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UN-AMERICAN ACTIVITIES

HEARINGS HELD IN SAN FRANCISCO,
CALIF., JUNE 18-21, 1957—PART 1

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HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FIFTH CONGRESS
FIRST SESSION

JUNE 18 AND 19, 1957

Printed for the use of the Committee on Un-American Activities

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DOCUMENTS DEPT.

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WASHINGTON : 1957

COMMITTEE ON UN-AMERICAN ACTIVITIES

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ROBERT J. MCINTOSH, Michigan

RICHARD ARENS, *Director*

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(g) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

SAN FRANCISCO HEARINGS, JUNE 18-21, 1957

For the third time since 1953, a subcommittee of the Committee on Un-American Activities held hearings in the city of San Francisco. The first hearing was held December 1-5, 1953, at which data of a general nature concerning the internal workings of the Communist Party in the San Francisco Bay area were gathered.¹ The hearings of December 10 and 11, 1956, concentrated on Communist propaganda of a foreign source entering the port of San Francisco and its local dissemination.²

The December 1956 hearing also demonstrated that Communist organizations and individuals representing said organizations in the San Francisco area were participating in a nationwide program espoused by the Communist Party to formulate mass public opinion against legislation to curb the activities of the Communist Party, and thus neutralize internal security. Legislation under bitter attack was the Smith Act, the Internal Security Act of 1950, and the Immigration and Nationality Act.³

The hearings of June 18-21, 1957, concentrated on an entirely new field in the San Francisco area. Broadly speaking, the main subject of investigation was the extent, character, and objects of Communist Party activities within the professions. The legislative purpose was to secure facts which would assist this committee and the Congress in the consideration of legislation designed to strengthen the provisions of the Internal Security Act of 1950, and to protect our form of government and our country from the threat of international communism.

The Professional Section of the Communist Party was shown by the testimony to consist of tightly organized secret groups of the Communist Party, composed of members of the various professions. The identity of those who were members of the professional groups of the Communist Party was kept secret from the rank-and-file members and for the most part the same secrecy was maintained within the Professional Section of the Communist Party as to the identity of members of the respective groups.

The evidence disclosed that the lawyers and doctors had their respective organizational units. Those engaged in the newspaper field were at one time members of a separate unit of a Professional Section of the Communist Party, but later became members, along with teachers, artists, musicians, and other professionals, in a miscellaneous unit of the Professional Section of the Communist Party.

¹ See Investigation of Communist Activities in the San Francisco Area, Part 1 to 5, inclusive, pp. 3055-3499.

² See Investigation of Communist Propaganda in the United States—Part 3, pp. 6039-6139, inclusive.

³ See Communist Political Subversion, Part 1, pp. 6861-6934 inclusive.

The committee interrogated 31 witnesses in open session, and 4 in closed session. Two witnesses testified at length regarding their Communist Party membership. Jack Patten, a professor at a leading university, laid before the subcommittee a pattern of Communist intrigue from the date of his membership in 1936, to his leaving the Communist Party in 1948, with the exception of 26 months when he served in the United States Army. He gave a detailed account of his experiences while a member of the Communist Party in the Professional Section in San Francisco during the years 1941 through 1943 and again from 1946 through 1947.

Dorothy Jeffers, a former schoolteacher and social worker, who joined the Communist Party at the request of the Federal Bureau of Investigation, testified as to her membership from 1943 to 1952. Her entire experience in the Communist Party was within the Professional Section in San Francisco. Her testimony illuminated the objectives of the Professional Section and outlined the assignments of individual Professional Section members. Members of the Professional Section, according to Mrs. Jeffers, were assigned to join and work in mass organizations, to gain positions of importance, to further the Communist Party line on given subjects, and to neutralize anti-Communist opposition. The end result of this program was to attempt to create a pro-Communist atmosphere in San Francisco.

Of the remaining 29 witnesses who were heard in open session, 28 refused to answer pertinent questions relating to their knowledge of Communist Party activities of the Professional Section of the Communist Party and its members, in reliance upon the decision of the Supreme Court in the case of *Watkins v. United States*, decided June 17, 1957, the day before the hearings began. However, upon explanation of the subject under inquiry and the pertinency of the respective questions to the subject, each finally resorted to the self-incrimination clause of the fifth amendment as a reason for refusal to answer. It is regretted that those witnesses who are at this time members of the Communist Party did not follow the example of Dr. Patten and Mrs. Jeffers in advising the committee of the facts within their knowledge.

Louis Earl Hartman, a radio broadcaster, refused to state whether or not he is now a member of a professional group of the Communist Party at Berkeley, Calif.; whether or not he was elected as chairman of the professional group of the Communist Party at Berkeley in January 1957; and the nature of propaganda activity in which the professional group of the Communist Party at Berkeley is now engaged. This witness did not rely upon the self-incriminating clause of the fifth amendment in his refusal to answer, but based his refusal to answer on the decision of the Supreme Court in *Watkins v. United States*.

To evaluate the success of the Communist program and the damage done to the United States Government is extremely difficult; however, it can be said that an analysis made of evidence pertaining to the membership of some 120 past and present members of the Professional Section shows that only three members of the section, excluding Dorothy Jeffers, an FBI operative, were willing to admit their Communist Party membership and relate their experiences while members. If, after the Korean conflict and the recent Soviet intervention in Hungary, the Communist Party still exerts sufficient in-

fluence to seal the lips of United States citizens, it stands to reason that members of the Professional Section were dedicated to the aims and objectives of the Communist Party and unquestionably reflected the Communist Party program throughout the San Francisco area.

Attorneys Charles Garry, Benjamin Dreyfuss, and Hugh B. Miller, all identified during the hearing as members of the lawyers cell (Haymarket Club) of the Professional Section, were called as witnesses but invoked the fifth amendment when questioned concerning testimony received from witnesses Jeffers and Patten.

Heard as witnesses from the medical cell were Dr. Sol. Bineman, Dr. Morton Garfield, Dr. Asher Gordon, Dr. Rose Payne (research associate), and Dr. Evelyn Siris (Mrs. Lawrence Levitan), all of whom relied on the self-incrimination clause of the fifth amendment and refused to affirm or deny Communist Party membership.

From the miscellaneous or multiprofessions cell of the Professional Section, the following testified, all availing themselves of the provisions of the fifth amendment: Sydney H. Brisker, architect; Jack Eshleman, newspaperman; Morton Elkins, Thomas D. Hardwick, John Horowitz, Jane Scribner, Sidney Rubin, former schoolteachers; Bea Melner, Jane Robinson Castellanos, and Ned Hanchett, present educators.

David Sarvis and George Hitchcock, part-time actors and directors of the now defunct California Labor School, were called as witnesses to ascertain the degree of influence of the Communist Party in San Francisco acting groups. Both persons are connected with Interplayers in San Francisco and both declined to respond to questions using the self-incrimination clause of the fifth amendment as refuge.

Another subject under inquiry by the committee was the dissemination of Communist Party literature within the San Francisco area received from both foreign and domestic sources. The committee is considering legislative means of strengthening the Foreign Agents Registration Act so as to afford a more effective means of counteracting the schemes and devices used in avoiding the prohibitions of the act with regard to the tremendous flow of political propaganda of a Communist origin entering this country. A dissemination point of such Communist Party propaganda in San Francisco is the International Book Store, Inc., located at 1408 Market Street. Mr. Ellis Colton, manager of the store, was subpoenaed to appear before the subcommittee. He refused to affirm or deny Communist Party membership, although previously identified as a member of the Communist Party, and further declined to discuss the sources from which he received Communist Party publications which had been purchased at the International Book Store. He was also questioned on material in the possession of the subcommittee purchased at the bookstore in recent months, none of which was labeled as required by the Foreign Agents Registration Act.

The committee, in endeavoring to ascertain the current strength and activities of the Professional Section, subpoenaed Angela Ward, former organizer for the Professional Section who resigned the latter part of December 1956; Peggy Sarasohn, current active organizer of the Professional Section; and Irving Kermish, a social worker, who had resigned from the Professional Section during the first quarter of this year. These three refused to respond to questions, relying on the self-incrimination clause of the fifth amendment.

In line with the committee's investigation concerning the limitations on the issuance of passports to members of the Communist Party, testimony was heard from Harvey Richards, a Communist Party propagandist specializing in South American countries. He had just returned from South America and recently had engaged in a lecture tour in the United States criticizing American foreign policy in the South American countries. His travels are considered inimical to the best interests of the United States. Although passports are not required for travel to South American countries, the attention of the Secretary of State is called to the problems arising from travel-free restrictions of Communist Party members in that area.

The accomplishments of the subcommittee hearings in San Francisco confirmed a pattern which the committee had seen in other areas of the operation of the Communist conspiracy. The testimony at the hearings adds greatly to the sum total of knowledge possessed by the committee that the Communist Party is the vehicle used by the Soviet Union to further worldwide Communist domination.

HEARINGS HELD IN SAN FRANCISCO, CALIF., JUNE 18-21, 1957—PART 1

TUESDAY, JUNE 18, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
San Francisco, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to call at 10 a. m., in the board of supervisors' hearing room, City Hall, San Francisco, Calif., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Francis E. Walter, of Pennsylvania; Gordon H. Scherer, of Ohio; and Robert J. McIntosh, of Michigan.

Staff members present: Frank S. Tavenner, Jr., counsel, and William A. Wheeler, investigator.

The CHAIRMAN. The subcommittee will come to order.

The investigation resulting in this hearing began June 14, 1956. The original plan contemplated that this hearing would be held in the fall of 1956, but postponement was necessary due to other committee commitments. The hearing was tentatively agreed upon on January 22, 1957, the first meeting of this year. The following is an extract from the minutes of an executive meeting held on the 15th of May 1957:

Counsel for the committee called the chairman's attention to the fact that although the proposed hearings on June 18, 1957, in San Francisco, had been discussed and authorized by the committee, no record of the action taken had been incorporated in the minutes; whereupon a motion was made by Mr. Willis, seconded by Mr. Doyle and unanimously carried, authorizing the setting up of hearings in San Francisco beginning on the 18th day of June 1957, and the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, the subject of which hearings and the investigations in connection therewith to include all matters within the jurisdiction of the committee, with special reference to the extent, character, and objects of Communist Party activities within the professions and propaganda activities of a Communist origin.

The following order was entered on the Order Book of the Committee on Un-American Activities relating to the appointment of a subcommittee to conduct these hearings:

To the CLERK OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES OF THE HOUSE OF REPRESENTATIVES.

ORDER FOR APPOINTMENT OF SUBCOMMITTEE

Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, House of Representatives, consisting of Hon. Edwin E. Willis, Hon. Gordon H. Scherer,

and Hon. Robert J. McIntosh, associate members, and myself, as chairmna, to hold hearings in San Francisco, Calif., beginning on June 18, 1957, on all matters within the jurisdiction of the committee, and to take testimony on said day or any succeeding days, and at such times and places as it may deem necessary, until its work is completed.

Those of the subcommittee who are now present and constitute a quorum are Honorable Gordon H. Scherer, Honorable Robert J. McIntosh, and myself.

Congress has placed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation. Congress has also placed upon this committee the duty of exercising continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of this committee.

It is the purpose of the committee, in the conduct of this hearing, to discharge the duties thus imposed upon it by calling witnesses who it has reason to believe possess information which will be of value to it and to Congress in the intelligent consideration of legislative means of more adequately protecting our form of government and our country from the threat of international communism.

This committee has made numerous legislative recommendations to Congress, the vast majority of which have been enacted into law. At the close of the 84th Congress, this committee made extensive recommendations relating to:

- (1) The revision of passport laws with regard to applicants who are members of the Communist Party or who conceal their former connections and associations with the Communist Party or its functionaries;

- (2) The protection of investigatory powers and procedures of Congress from interference by misconduct of witnesses, counsel, and others;

- (3) The need for a clarification of the provisions of the Lobbying Act so as to remove any doubt regarding its applicability to organizations and associations under Communist influence and direction which are trying to influence Congress in the repeal of legislation enacted in the field of subversion and security;

- (4) The strengthening of the Foreign Agents Registration Act so as to afford a more effective means of counteracting the schemes and devices used in avoiding the prohibitions of the act with regard to the tremendous flow of political propaganda of a Communist origin entering this country;

- (5) The strengthening of the provisions of the National Security Act of 1950 relating to the power of heads of certain departments and agencies of the Government to dismiss civilian employees in the interest of national security; and

- (6) The need for continued watchfulness and alertness to discover the Communist means and methods of infiltration in government.

The committee is continuing to study the foregoing matters, and each will be a subject for consideration in the course of this hearing.

When this committee proposed the legislation, subsequently enacted

into law under the title of the Internal Security Act of 1950, consideration was given to a proposal to outlaw the Communist Party as such. Although the committee was not willing at that time to advocate such a proposal, it did approve a compromise provision authorizing the President, by proclamation, to declare the existence of an "internal security emergency," and a further provision empowering the President, acting through the Attorney General, to apprehend and by order detain, during the existence of such an emergency, each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage. Since that time numerous bills have been offered in both Houses of Congress, the object of which was to outlaw the Communist Party as such. The committee has been continuously engaged in the consideration of this subject, and it must keep Congress informed so that intelligent action may be taken when and if the necessity for such action arises. Information sought to be elicited at this hearing is expected to aid the committee in its consideration of this subject, which, in the committee's opinion, has been rendered more vital by the trend of recent judicial decisions.

This committee began hearings in February 1953, and has continued them intermittently ever since, for the purpose of determining the extent, character, and objects of Communist Party activities of individual members of the teaching profession with the view of determining what legislation, if any, is needed in this field. Information on this subject will be important to Congress in any legislation it enacts in the field of education. Another purpose of this hearing is to solicit additional information on this subject.

In addition to the foregoing subjects to be considered at this hearing, the committee will hear any other matter within the jurisdiction of the committee which may develop from the testimony.

It is the standing rule of this committee that any person named in the course of committee hearings be given an early opportunity to appear before this committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him. If this be a person's desire, he should communicate immediately with a member of the staff.

I would remind those present in this hearing room that we are here at the direction of Congress to discharge an important legislative function. You are here by permission of this committee. I trust that you will conduct yourselves as guests of this committee. A disturbance of any kind or audible comment during the course of testimony, whether favorable or unfavorable to any witness, will not be tolerated. For infraction of this rule, the offender will be immediately ejected from the room. I trust it is necessary only to call this matter to your attention once and that it will not be necessary to have it repeated.

In nearly every hearing the committee has announced that it encourages witnesses to have counsel with them and has welcomed the presence of counsel. The fact that counsel appears with a witness before the committee should not be considered in disparagement of the counsel. We desire to make this same announcement here.

Mr. SCHERER. Mr. Chairman, at the opening of these hearings here in California, I request, as a matter of personal privilege, the opportunity to discuss a resolution adopted by the board of governors of the California State Bar Association on March 15, 1957.

I was a member of a subcommittee of the Committee on Un-American Activities of the Congress of the United States which held hearings at the direction of that committee in Los Angeles and San Francisco, Calif., in the month of December, last year. This resolution severely criticized and condemned the subcommittee for its conduct during these hearings. Copies of this resolution, by direction of the board of governors of the bar association, were sent to the Speaker and my colleagues in the Congress of the United States. The resolution was printed in the Congressional Record. The press all over the country carried accounts of the censure.

Under the circumstances, I feel that on my first return to the State of California since this censure, it is necessary for me to answer. In fact, I requested the chairman of the Committee on Un-American Activities to appoint me as a member of this subcommittee so that I might make this reply in the backyard of the board of governors of the California State Bar Association.

What I say here today in connection with this matter is not a statement of the Committee on Un-American Activities nor of the subcommittee against whom the censure was directed, nor does it necessarily reflect the feelings of the other members of that subcommittee or its director, none of whom is with us this week in California.

I have practiced law as a member of the State and Federal bar in Ohio for a quarter of a century. I am a member of my local and the American Bar Associations. There is almost nothing that hurts a lawyer more than to be censured by a governing body of the bar with the attendant publicity. It is shocking to be censured by a bar association, supposedly steeped in the tradition of the law—censured when one is 2,000 miles away, censured without notice that any such action was contemplated, without any knowledge of the charges, without a hearing, without an opportunity to reply contemporaneously with the publication of the censure in the Congressional Record and newspapers of the country.

When I was elected to the Congress for the first time in 1953, I was naturally thrilled by the responsibility of my post, by the dignity and prestige it presumably carried. Now, I can only smile a bit wryly over that first reaction.

I could not guess that soon after reaching Washington, I would be reviled, ridiculed, and insulted from coast to coast. Of course, I am not the only victim of this kind of abuse. It is shared by all Members of the House and Senate committees investigating the ravages of the Communist conspiracy within our gates, even as it was the fate of our predecessors, beginning with the much-maligned Texan, Martin Dies, about 20 years ago.

Legislators may probe garden-variety crimes or scandals like the Beck case, with relative impunity; but, when they venture to tackle the Kremlin's little gremlins, they have need for strong nerves and tough hides.

In accepting a place on the House Committee on Un-American Activities, I had neither misgivings nor forebodings. Our boys were dying in the Communist firing in Korea. The mischief wrought by Communist agents and spies was no longer a matter of generalized surmise—enough of it had been exposed in detail to alarm the American people. To dislodge these internal enemies seemed to be a task

any patriotic American could undertake proudly, earnestly, and with a clear conscience. Alas for my innocence.

I failed to see that in joining this committee one made himself at once a target for organized slander, regardless of how he might conduct himself. Before I had met all of my colleagues on the committee and before it had held its first meeting, I was being plastered by sticky epithets by expert mud-gunners.

It does not make any difference who succeeds to the chairmanship of any of the committees of the Congress investigating the Communist conspiracy. Whether it be Martin Dies, Joe McCarthy, Pat McCarran, Bill Jenner, or Francis Walter, they immediately become subject to attack.

I recall that it was only a very short time after Francis Walter became chairman of the Committee on Un-American Activities that the committee held hearings in Newark. I believe it was one of the first hearings conducted under the chairmanship of Mr. Walter. No one could possibly have determined his policies or the manner in which he would handle the chairmanship of the Committee on Un-American Activities.

Nevertheless, as I left the hotel at which the committee was staying in Newark on the night of the first day of the hearings, at which Mr. Walter was not even present, 1,200 pickets, by FBI count, most of them imported from New York City, surrounded the hotel. They carried dozens of well-painted signs criticizing, condemning, and vilifying the new chairman of the committee. These signs had been prepared by experts, some of them members of the bar. Ninety percent of the people in the picket line did not, or could not, understand the import of the signs they were carrying.

As I say, a number of the Communist lawyers representing clients at that hearing assisted in the preparation of this demonstration, as well as in the disruptions that took place during the hearings. We were even favored with the presence of one of the Communist lawyers who had almost driven Judge Medina to distraction in the trial of the 11 Communists in New York under the Smith Act.

Pseudo-left-wing liberals, who are always interested in protecting the sacred rights of the Communists who appear before our committee, were strangely silent about these demonstrations against the committee.

You learn to expect this treatment from the agents of the Kremlin. You are shocked and disheartened when it comes from the board of governors of a State bar association.

Let us take a look at a number of facets involved in this censure. During the 4½ years of my service in the Congress, I have participated in hearings in Los Angeles on 4 different occasions. There is no place in the country—and I have sat in hearings from coast to coast—where the committee has been insulted, slandered, ridiculed, its hearings disrupted, more than in Los Angeles. There is no city in the country where there have appeared before the committee more lawyers who have themselves been identified as members of the Communist conspiracy than in Los Angeles. There is no city in the country where these Communist lawyers and their like have participated in, urged, and planned these attacks upon the committee, more than in Los Angeles.

I have seen lawyers put words into the mouths of witnesses, telling them how to answer factual questions—telling them how to bait the committee and disrupt the hearings. On more than one occasion, I and other members of the committee have publicly, and in the record of the hearings, called attention to this reprehensible conduct upon the part of these lawyers.

If lawyers had conducted themselves one-tenth as contemptuously in a courtroom as they have before our committee, they would have been jailed. These lawyers of whom I speak realize that the committee cannot punish for contemptuous conduct and, therefore, have continued to violate the rules of ethics and decency. Undercover agents of the Federal Bureau of Investigation have testified, as did one of them at the hearings in Los Angeles in December, that often lawyers meet with witnesses—known Communists—and instruct them how to bait the committee, how to disrupt the hearings. Some have gone so far as to set up a signal system between them and their clients for answering questions.

Has the California bar board of governors taken any action whatsoever during the last 4 years against one or more of the lawyers who have been guilty of the conduct I have just outlined? It has not.

Now someone will say that I am exaggerating the situation. I am willing to rest my case on the records of the California State Bar Association itself.

The conduct of certain lawyers at hearings in this State before the Committee on Un-American Activities was so bad that two bar association committees found it necessary to make a complete investigation of the nature and extent of this misconduct. The reports of these committees to the board of governors of the California State Bar Association confirmed in every respect what I have said here today about the unethical tactics of these lawyers. These reports are carried in the journal of the State bar of California.

To illustrate the unethical and contemptuous conduct of certain lawyers who appeared before the Committee on Un-American Activities in Los Angeles, the reports set forth excerpts from the testimony of the hearings. In the journal of the State bar of California, we find this committee, in reporting to the board of governors and in urging that the rules be changed so that the bar could deal more effectively with these lawyers, saying this, and I quote:

At the time of the hearings of the Committee on Un-American Activities in 1952, several members of the bar called as witnesses before the committee conducted themselves in a most contemptuous and objectionable manner. A lawyer is never entitled to conduct himself so as to be discourteous and highly objectionable to any public body, court or otherwise.

In another place in the report in the journal, we find this language:

The amendment we suggest should be ample to cover the principal grievances concerning misconduct presently being considered by the committee. We believe the existing rules inadequate to permit the board of governors on its own motion to take disciplinary steps against lawyers whose conduct was so objectionable in the Un-American Activities Committee hearings.

The report continues:

As to lawyers suspected of Communist activities, although we feel that the State bar does have some power under section 6106.1, nevertheless it would be desirable to broaden the section in the manner provided for in exhibit A.

The bar association committee which studied the conduct of these lawyers before congressional committees was so shocked by their conduct that it recommended that section 6068 of the business and professions code be changed to read as follows :

The following are the duties of an attorney :

1. To maintain the respect due to the courts of justice and judicial officers, a committee of the Congress of the United States, a committee of the legislature of this State, any subcommittee of such committee of the Congress or of the legislature, the board of governors of the State bar of this State, and any administrative committee of the State bar of this State.

2. Never to seek to mislead by artifice or false statement of fact or law a court of justice or judicial officer, a committee of the Congress of the United States, a committee of the legislature of this State, any subcommittee of such committee of the Congress or of the legislature, the board of governors of the State bar of this State, or any administrative committee of the State bar of this State.

Now I ask—what has the board of governors of the State bar done with that report, which also contains recommendations for dealing with Communist lawyers and those who take the fifth amendment? What has it done? Nothing. What action has it taken against these lawyers? None. It has not even censured them.

Yet, it was willing to censure this committee, reputable members of the bar, who have come to Los Angeles time and time again and have been faced by this same cabal of attorneys. While Francis Walter, the chairman of the full committee, was not personally present at the Los Angeles hearings, nevertheless, the censure of his subcommittee is a reflection on him—a man who has been the recipient of the American Bar Association award for contributing most to the preservation of our American form of government.

The board of governors of the State bar of California has failed miserably and has been derelict in its duty to act affirmatively on the basis of the findings of its own committees. By reason of its failure to act, it shares with these lawyers I have been talking about the responsibility for what happened in the hearing room in Los Angeles last December.

For years the committee allowed itself to be subjected to abuse and harangued by those who served the Communist conspiracy, waiting patiently for some evidence of courage, some action on the part of the leaders of the bar of the State of California.

It was apparent when we came to Los Angeles last December that there was a well-conceived plan by the Communists and some of these same lawyers to again disrupt the hearings and abuse the committee as they had so many times in the past. When we acted firmly and ejected these betrayers of the legal profession so the hearings could proceed in an orderly manner, the board of governors, who were not present at the hearings, censured Members of Congress, reputable members of the bar.

I have studied the censure resolution by the board of governors of the California Bar Association with exceeding care. I have likewise searched the transcript of the proceedings at the December hearings in Los Angeles. The truth is that the basic facts as reported in the statement of the board of governors of the California Bar Association are misrepresented.

The tenor of the statement is that certain lawyers, whose conduct was in thorough accord with all of the canons of ethics for lawyers,

were not accorded proper treatment by the committee. The truth is, as reflected by the record and as is indelibly impressed in my memory, that certain lawyers who had been repeatedly identified under oath as members of the Communist conspiracy deliberately engaged in bar-room and back-alley tactics, as they did in previous hearings, for the purpose of disrupting a serious enterprise of a congressional committee.

The statement of the board of governors further complains that one of the lawyers was identified in the course of the proceedings as a Communist. Since when have lawyers who are Communists been immune from exposure or identification? Does the board of governors of the bar association seriously contend that this committee, the Congress of the United States, or the American people are precluded from attempting to detect and isolate traitors, even though they be possessed of a license to practice law?

The bar association statement likewise completely misrepresents the announced purpose of the hearings. The statement contains the following:

The announced purpose of the hearing was to investigate opposition to the McCarran-Walter Immigration Act.

This is a bald-faced misrepresentation of the facts, which should be apparent to anyone who would take the trouble to read the transcript of the proceedings. The announced purpose of the hearings was to investigate and develop facts respecting the activities of the Communist conspiracy in its program of political subversion.

In another place the board of governors used this language in censuring the subcommittee:

Counsel appearing for the witnesses were not permitted to address the committee or to make objections to the manner in which the proceeding was being conducted; but counsel were repeatedly told that "their sole and exclusive right was to advise their clients."

We admit that counsel were repeatedly told that their sole and exclusive right was to advise their clients. Evidently the board of governors are not familiar with the rules of the Committee on Un-American Activities.

Rule VII reads as follows:

The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

It was because the lawyers insisted on violating this rule that they were ejected after the repeated warnings.

Rule VIII provides that the committee shall remove from the hearing room attorneys who violate the rules. It is apparent from the mere reading of the last two specifications of alleged misconduct on the part of the subcommittee, that the lawyers were violating rule VIII.

In fact, the whole censure resolution is so erroneous and biased that I wonder what influences were at work in its preparation and adoption.

I want it clearly understood that this is not an indictment of all lawyers who have appeared before our committee in the Los Angeles area or elsewhere. By far the great majority of the attorneys who have represented witnesses before our committee have conducted them-

selves in a most exemplary manner and in accordance with every provision of the code of ethics.

By the same token, the unwarranted and intemperate action of the board of governors does not represent the will of the great mass of lawyers in the State of California. This is evidenced by the fact that we have received numerous letters from members of the California bar deploring and condemning the action of the board of governors.

The records of the hearings of this committee clearly indict those lawyers who are members of the Communist conspiracy and who have conducted themselves in the manner I have described. What the record does not show is the fact that some of these very lawyers about whom I have been complaining have violated the basic duty and obligation of a lawyer, namely, to serve the best interests of his client. There have been occasions when it was obvious that it would have been to the best interests of the client to have cooperated with the committee; and yet when that witness employed a Communist lawyer or had an attorney furnished him by the Communist Party, he was advised to take the fifth amendment, to his detriment. Why? Simply because the lawyer was serving the Communist Party rather than his client. I have often wondered why bar associations have failed to act in such cases.

Lest my observations be construed as wholly negative, may I commend the American Bar Association for its forthright position on the issue of communism as expressed by its action in creating a special committee—of which former United States Senator Herbert O'Connor, of Maryland, is chairman—for the purpose of coming to grips with this very situation. This special committee on Communist tactics, strategy, and objectives of the American Bar Association is working zealously toward the objective of removing from the ranks of the legal profession those who are in fact dedicated to the forcible overthrow of our Government.

Some few months ago, Francis Walter, chairman of this committee, introduced legislation which would preclude from practice before congressional committees or in the executive department persons who have been publicly identified under oath as Communists.

I commend this bill to the bar association of this State, as well as to all other groups and organizations in this country which are or should be earnestly concerned over the increasing menace of communism.

While the censure resolution of the board of governors of this bar, to say the least, has adversely affected all of the members of the subcommittee and its director, it has been a rather severe personal blow to Congressman Clyde Doyle from the Los Angeles area. As chairman of the subcommittee, he feels particularly responsible for the conduct of those hearings and the censure weighs heavily upon him because he is a member of the California bar.

While Clyde Doyle is a Democrat and our political philosophies and voting records in the Congress are as far apart as the poles, there is no more sincere, conscientious, upright, and patriotic man in the Congress than he. All those who know him intimately as I do will agree that what I have said is no exaggeration. For many years, he has been a highly respected member of the California bar, a man who lost his only son in the service of his country, a fine, moral, family man. It hurt him deeply to be censured by his own bar without a hearing and without cause. He was shocked when a colleague of his

in the adjoining district, a man with a prominent name but a man who is in no position to throw stones, placed the resolution of censure in the Congressional Record—in a subtle violation of the rules of the House, and without even discussing the matter with Mr. Doyle or any other member of the committee.

I need not tell you that the Communists and their apologists from coast to coast were delighted at the action of the board of governors and Jimmy Roosevelt. They have used this censure resolution effectively.

I wonder when so-called responsible Americans are going to learn the danger of the threat from within and stop attacking the policeman and start chasing the criminal.

It was a rather long statement, Mr. Chairman; and I appreciate the opportunity of making it and I appreciate the attention of those present.

The CHAIRMAN. Call your first witness.

Mr. TAVENNER. Mr. Irving Kermish, will you come forward, please?

The CHAIRMAN. Will you raise your right hand, please?

Do you swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KERMISH. I do.

TESTIMONY OF IRVING KERMISH, ACCOMPANIED BY COUNSEL, JULIAN W. MACK

Mr. TAVENNER. You are Mr. Irving Kermish?

Mr. KERMISH. Yes, I am.

Mr. TAVENNER. Will you spell both your first and last names?

Mr. KERMISH. I-r-v-i-n-g K-e-r-m-i-s-h.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. MACK. My name is Julian Mack; I am counsel for Mr. Kermish.

Mr. TAVENNER. A member of what bar?

Mr. MACK. I am a member of the California bar.

Mr. TAVENNER. When and where were you born, Mr. Kermish?

Mr. KERMISH. I was born July 12, 1924, in New York City.

Mr. TAVENNER. Would you mind sitting a little closer to the microphone? It is difficult to hear you.

What is your profession or occupation?

Mr. KERMISH. I am a social worker.

Mr. TAVENNER. Where are you engaged as a social worker?

Mr. KERMISH. I am a social worker for the Family Service Agency of San Mateo County.

Mr. TAVENNER. Will you tell the committee what your formal education and training has been?

Mr. KERMISH. Where do you want me to start?

Mr. TAVENNER. Start upon the completion of high-school work, say.

Mr. KERMISH. Sure. I received a bachelor's degree in history, majoring in history in Queens College in New York City.

Mr. TAVENNER. What date?

Mr. KERMISH. My degree was granted June 1949. I also received a masters degree in social work from the University of Minnesota in June 1952. That concludes it.

Mr. TAVENNER. When did you come to California?

Mr. KERMISH. I came to California in December 1952.

Mr. TAVENNER. You have remained in California since that date?

Mr. KERMISH. Yes, I have.

Mr. TAVENNER. Have you had any other employment in California since December 1952 other than that which you have just mentioned?

Mr. KERMISH. Yes. Would you like me to state where?

Mr. TAVENNER. Yes.

Mr. KERMISH. I was employed by the Family Service Bureau of Oakland also as a social worker.

Mr. TAVENNER. Mr. Kermish, are you familiar with the testimony that has been given before the Committee on Un-American Activities during October of 1956 and as late as March of 1957 relating to the situation in Hungary?

Have you read any of that testimony?

Mr. KERMISH. I can't recall it at this moment. I am sure I must have read something about it in the newspapers.

Mr. TAVENNER. The committee has heard considerable evidence from persons who have occupied high positions in the Hungarian Government and who were recently involved in the revolution in Hungary regarding the situation there. For instance, a person by the name of Stevan Barankovics, a former editor in chief of Magyar-Nemzet, the largest Hungarian anti-Nazi newspaper, prior to 1944, was one of the witnesses. He escaped from Hungary and came to the United States in 1951. He has kept in very close contact with the situation in Hungary. He testified that it was not a people's revolution in Hungary in 1945 which started the Communist regime in Hungary. He said the Communist regime was started, and installed, by Russian weapons and "This is an uprising against Communist oppression and this is not a counterrevolution. This is a freedom fight." His testimony and the testimony of others demonstrated clearly to our committee numerous causes for the uprising in Hungary.

Sandor Kiss, a member of the Hungarian Parliament and a person who participated in the revolution, was also with us. He testified that 99 percent of the population of Hungary were opposed to the Communist government in Hungary and he stated the reasons. I will not take time to go into those reasons. We would like to know if you had any knowledge of the program of the Communist Party in this area with respect to its attitude toward the Hungarian revolution, say back during the period from October to December of 1956.

Mr. KERMISH. May I rephrase the question to see if I do understand it?

Mr. TAVENNER. Yes. My purpose is to inquire from you what the Communist Party line was in this area from October to December 1956 regarding these issues that arose out of the revolt in Hungary.

Mr. KERMISH. I would like to consult with my attorney, sir.

Mr. TAVENNER. Yes.

Mr. KERMISH. Sir, I must respectfully decline to answer that question on the grounds that any answer I might give might be used in an attempt to disclose me to criminal prosecution. I shall, upon the advice of my attorney, on the same grounds, refuse to answer any question concerning membership in any organization or association with any group or person which has been, and which I think might be, accused of being subversive, disloyal, or a Communist front.

Mr. TAVENNER. Mr. Kermish, is it not a fact that you differed substantially with the Communist Party in the area of California regarding the revolt in the Russian satellites, especially with reference to Hungary?

Mr. KERMISH. I must respectfully decline to answer on the same grounds, sir.

Mr. TAVENNER. Is it not a fact that you withdrew from the Communist Party in December 1956 or January of 1957 because of your differences over this problem with the Communist Party?

Mr. KERMISH. I decline to answer on the same grounds.

The CHAIRMAN. You say that you must decline. You are not under any compulsion. I assume you mean you do decline.

Mr. KERMISH. Yes, sir.

Mr. TAVENNER. If you were a member of the Communist Party at any time between October and December 1956, particularly a member of a professional group of the Communist Party in this area, you would be in a position to observe Communist Party activity in this field, so I want to ask you, Were you a member of the Communist Party in San Francisco at any time between October and December 1956?

Mr. KERMISH. I am sorry, sir. I decline to answer on the same grounds.

Mr. TAVENNER. Are you acquainted with a person by the name of Angela Ward?

Mr. KERMISH. I must decline to answer, sir, on the same grounds.

Mr. TAVENNER. Was Angela Ward a Communist Party organizer in the professional cell of the Communist Party in San Francisco at any time since you have been here, that is, since December 1952?

Mr. KERMISH. The same answer, sir.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. KERMISH. The same answer.

Mr. SCHERER. May I interrupt just a minute.

Witness, you have refused to answer the questions of Mr. Tavenner, citing as a basis for your refusal to answer, the fifth amendment saying that if you do answer you have fears that the answers might tend to incriminate you. In the last few years the Congress has passed a law which gives the right to this committee, with the approval of the Federal court, to grant you immunity from prosecution, so no matter what your answers might be to the questions propounded to you by Mr. Tavenner, you could not suffer the incrimination which you say you now feel and which is the basis for your refusal to answer. We feel that you have valuable information as recent as 8, 9, or 10 months ago concerning the Communist Party. We feel that your information would be helpful to the Government of the United States.

If this committee should grant you the immunity which I have just told you about, would you then be willing to tell us what you know?

(The witness conferred with his counsel.)

Mr. KERMISH. Sir, this is a rather important question.

The CHAIRMAN. Before you answer it, may I say to you that this committee has called a number of Hungarian officials, people who were connected with the short-lived regime. Actually, I was in Austria during the revolution for 5 or 6 days and talked with a great many people. What we are interested in doing is showing that in the United

States there is activity designed to minimize the knowledge of that which was occurring, which was actually the imposition of force by Russia on the Hungarian people; so it becomes terrifically important if the party line was spread throughout the United States in order to minimize the action that was taking place in Hungary. For that reason, we feel that you can make a great contribution to the security of our Nation if you will cooperate with us.

Mr. KERMISH. Shall I respond to Mr. Scherer's question?

The CHAIRMAN. Yes.

Mr. KERMISH. I do not feel that I am in a position right now to state either way "yes" or "no" in answering your question. This does require considerable thought, and I think in such a consideration I would have to think about it myself and consult with my attorney as to the "yes" or "no" of this answer.

Mr. SCHERER. I think your attitude is very, very fair, and I think the committee would appreciate it if, within the next few days, you would consult with your attorney and give some thought to the proposition that I have advanced. I have nothing further.

Mr. TAVENNER. May I suggest that the witness' counsel get in touch with counsel for the committee, say, not later than the close of the hearings tomorrow so that we may plan the future work of the committee here in regard to this matter.

Mr. SCHERER. Mr. Counsel, I think we will be here until Friday.

The CHAIRMAN. Whenever it is convenient to you, get in touch with Mr. Tavenner. In the interim, we will have the witness step down and continue him under the subpoena.

Mr. TAVENNER. Will you go to the clerk of the committee on my right and sign a voucher?

The CHAIRMAN. Call your next witness.

Mr. TAVENNER. Angela Ward, will you come forward, please?

The CHAIRMAN. Will you raise your right hand?

Do you swear the testimony you are about to give, will be the truth, the whole truth, and nothing but the truth?

Mrs. WARD. I do.

TESTIMONY OF MRS. ANGELA WARD, ACCOMPANIED BY COUNSEL, NORMAN LEONARD

Mr. TAVENNER. What is your name, please?

Mrs. WARD. Angela Ward.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. LEONARD. Norman Leonard, 240 Montgomery Street, San Francisco, Calif. A member of the bar of the State of California and the Supreme Court of the United States.

Mr. TAVENNER. Are you a native of California?

Mrs. WARD. Yes, I am, sir; San Francisco.

Mr. TAVENNER. You have lived in San Francisco all your life?

Mrs. WARD. Yes.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been.

Mrs. WARD. I attended high school and I am a graduate of the University of California, bachelor of arts.

Mr. TAVENNER. What was the year of your graduation?

Mrs. WARD. June 1931.

Mr. TAVENNER. What has been your profession or occupation?

Mrs. WARD. Secretary, clerical worker, officer worker. That is what I do now.

Mr. TAVENNER. How long have you been doing that?

Mrs. WARD. Oh, for about 20 years.

Mr. TAVENNER. How were you employed in 1956?

Mrs. WARD. As a secretary in an office.

Mr. TAVENNER. What kind of an office was it?

Mrs. WARD. An insurance office.

Mr. TAVENNER. Did you have any other occupation besides that of secretary in an insurance office?

Mrs. WARD. Excuse me.

(The witness conferred with her counsel.)

Mrs. WARD. In 1956, I was a clerical worker, office worker. Are you asking me about any other occupation?

Mr. TAVENNER. Was there any other employment or occupation that you engaged in, in 1956, in addition to the one you have described, the position you held in an insurance office?

Mrs. WARD. That is the only occupation that I had in 1956.

Mr. TAVENNER. Were you in a position in 1956 by which you would be able to gain a working knowledge of the present organization of the Communist Party, that is, particularly the professional group or section of the Communist Party in the city of San Francisco?

Mrs. WARD. I will confer with counsel.

(The witness conferred with her counsel.)

Mrs. WARD. Sir, may I inquire what the relevancy of that question is in view of the decision that was rendered by the Supreme Court yesterday in the Watkins case?

The CHAIRMAN. To what part of the decision are you referring?

Mrs. WARD. I refer to the entire decision, sir, as I read it in the newspapers this morning, and perhaps it was not in its entirety because I do not suppose they carried it all; but what I read, I refer to the entire excerpt that I read in the paper this morning on the Watkins case.

Mr. TAVENNER. Yes, I would be glad to explain that to you. The subject I am inquiring from you about at this moment relates to matters announced by the chairman in his opening statement to the committee, and that is consideration of the advisability of the adoption of legislation which would outlaw the Communist Party as such.

This question about which you are raising a question, if it were truthfully answered, we believe would furnish this committee with information of the character of work that is being done by the Communist Party, the extent of its operations so that this committee would be in a position to determine in its own judgment what it would recommend about the necessity, the immediate necessity, of a law of the type I have described. This question, of course, is in a sense a preparatory question. If you tell us, for instance, that you were the organizer of the Communist Party in the city—in the Professional Section of the Communist Party in San Francisco—I, of course, will want to know what knowledge you have which would aid the committee in the respect which I have asked you about.

Mrs. WARD. Well, sir, in view of the fact that I, in discussing this with counsel—I feel that this is an improper question in view of the

fact that the first amendment says that no political party has been outlawed and, therefore, I don't believe that this question has any relevancy at the moment. It violates the precepts of the first amendment, the question does.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question. Mr. Tavenner has laid the proper foundation.

The CHAIRMAN. I direct you to answer the question.

Mrs. WARD. I did not answer you, sir.

The CHAIRMAN. I direct you to answer Mr. Tavenner's question.

Mrs. WARD. I will consult with counsel, please.

(The witness conferred with her counsel.)

Mrs. WARD. Well, since, I have been directed to answer, I will say this: That in addition to the reasons I have previously cited, I will answer invoke the fifth amendment of the Constitution of the United States.

Mr. TAVENNER. Do you honestly believe that to truthfully answer that question might tend to incriminate you?

Mrs. WARD. Well, I think I will confer with counsel.

(The witness conferred with her counsel.)

Mrs. WARD. My answer is the same as it was to the last question.

Mr. SCHERER. I ask you to direct the witness to answer.

The CHAIRMAN. What is that answer?

Mrs. WARD. I rely on the fifth amendment of the Constitution of the United States.

The CHAIRMAN. I direct you to answer the question.

Mrs. WARD. My answer is the same, sir.

Mr. TAVENNER. Were you the Communist Party organizer for the Professional Section of the Communist Party in San Francisco at any time during the year 1956?

Mrs. WARD. I will give you the same answer to this question that I have given previously.

Mr. TAVENNER. Did you not resign from that position and were you not succeeded within the past 6 or 7 months by Peggy Sarasohn?

Mrs. WARD. I will give you the same answer, sir, that I have given you previously.

Mr. TAVENNER. Did you have any disagreement with the leadership of the Communist Party in California regarding the uprising in Europe in the Russian satellites, particularly Hungary?

Mrs. WARD. I think I would like to confer with counsel.

(The witness conferred with her counsel.)

Mrs. WARD. Your question seems a little far afield. Will you kindly tell me the purpose of it and what relevancy it has?

Mr. TAVENNER. Yes. The purpose of the question is this: I think Mr. Walter, the chairman of the committee, explained it pretty fully just a few moments ago. You were present, were you not?

Mrs. WARD. I was.

Mr. TAVENNER. You heard what he said?

The CHAIRMAN. Nodding your head does not appear on the record. Did you hear what I said?

Mrs. WARD. Yes, sir, I heard.

Mr. TAVENNER. I think that covers it fully enough but I may add this, that it is important to the study of the overall question of necessity or need for adoption of further legislation relating to the possible outlawing of the Communist Party, as such, to know of the prop-

aganda activities in which it is engaged, to know the character and objectives of its propaganda activities.

Now, at a time when the foreign policy of this country was involved in a tremendously important matter—and I am speaking now of the revolt in Hungary against communism—it was important that we know what the Communist Party was doing about it in this country. If you were the organizer of the Communist Party, it would be extremely important to know whether you were having difficulty with the membership in your party on this question of the Hungarian revolt and what measures you and the Communist Party took to try to prevent it and head it off.

By way of further explanation, if you will pardon me a minute, it is important that we know the source of any directives that you received in that regard. Now, I think that shows the reasoning of the committee for asking a question in this field.

Mrs. WARD. I will confer with my attorney.

(The witness conferred with her counsel.)

Mrs. WARD. Again, sir, I feel that the committee is going into an area which it is not permissible under the first amendment of the Constitution and I feel that as a good citizen upholding the Constitution that I would refuse to answer on the grounds of the first amendment.

The CHAIRMAN. The chairman directs you to answer the question.

Mrs. WARD. My answer is the same except that I will protect myself again by adding to it the invocation of the fifth amendment of the Constitution.

Mr. TAVENNER. Was your resignation as Communist Party organizer brought about in any way by difficulties regarding the Hungarian question?

Mrs. WARD. I feel you are asking such questions that I have to continue to confer with my counsel.

Mr. TAVENNER. That is quite all right.

Mrs. WARD. In view of your question, I will give you the same answer I have given you previously.

The CHAIRMAN. By that, you mean that you invoke the fifth amendment?

Mrs. WARD. The fifth amendment, sir, and the first.

Mr. TAVENNER. You have been a worker in the Communist Party for a long period of time, have you not?

Mrs. WARD. Are you asking me a question or making a statement?

Mr. TAVENNER. Yes, have you not?

Mrs. WARD. I give you the same answer as I gave you previously.

Mr. TAVENNER. Were you a member of the State CIO council at any time?

Mrs. WARD. I will confer with counsel, if you please.

(The witness conferred with her counsel.)

Mrs. WARD. I would like to inquire, sir, what the relevancy of this is. I have heard no discussion on CIO council this morning. I did not know that that was being investigated.

Mr. TAVENNER. I will tell you now the full purpose of the question.

The committee, as has been said before, is undertaking to determine just what the urgency is, if any, of the need for the passage of further legislation regarding the Communist Party, such as, for instance, the outlawing of the Communist Party as such. In order to have

a clear understanding of the ramifications of the activities of the Communist Party in this country, it is necessary for Congress to have information over a very wide field.

If it should be true that you were a member of the CIO council and, at the same time, you were a member of the Communist Party and that the Communist Party was using you to propagate Communist Party doctrines within that organization, it would be evidence before this committee of what the Communist Party is doing. If that were true, you would be in a position to advise this committee of the real objectives of the Communist Party in that type of infiltration.

Now, will you answer the question?

Mrs. WARD. My answer is the same as it was before.

The CHAIRMAN. By that you mean that you invoke the first and the fifth amendments?

Mrs. WARD. Yes, sir.

Mr. TAVENNER. Were you acquainted with Mr. Max Silver?

(The witness conferred with her counsel.)

Mrs. WARD. Sir, I will invoke the first and fifth amendments.

Mr. TAVENNER. Mr. Silver testified before this committee on January 24, 1952, that Estolv Ward and his wife, Angela, were Communist Party members and were working in the CIO council. I do not intend to ask you any question relating to your husband, but as far as that statement affects you, was it true or false?

Mrs. WARD. I invoke the first and fifth amendments.

Mr. TAVENNER. Have you had such connections with the California Labor School as would put you in a position to advise this committee of the activities of the Communist Party in connection with the operation of that school?

Mrs. WARD. One moment, please.

Mr. SCHERER. Mr. Tavenner, may I ask whether the California Labor School has been identified as a Communist-front organization?

Mr. TAVENNER. Yes, there has recently been a hearing before the Subversive Activities Control Board which has resulted in the closing of that school.

Mrs. WARD. In view of that answer, I have no other alternative than to invoke the first and fifth amendments.

Mr. TAVENNER. You have another alternative and that would be to tell us what you know about it.

Mrs. WARD. Well, I feel that I do not have any alternative in view of what the Supreme Court said yesterday and I wish to impose the first and the fifth amendments.

Mr. TAVENNER. Were you one of the instructors at that school?

Mrs. WARD. I will give you the same answer, sir.

Mr. SCHERER. Witness, if you were granted the immunity which I discussed with the previous witness, would you then testify?

Mrs. WARD. Does this committee have a court order to offer me immunity?

Mr. SCHERER. This committee has the right to go to Federal court, and if this committee should do that so that you could be granted immunity, would you then testify?

Mrs. WARD. But you do not have an order?

Mr. SCHERER. I understand that and you understand that, Madam; but I am saying, suppose we do get an order?

Mrs. WARD. If such an order were secured, I might consider it.

Mr. SCHERER. You might consider it?

Mrs. WARD. Yes.

Mr. TAVENNER. Favorably or unfavorably?

Mrs. WARD. I don't think I have to tell you how.

Mr. TAVENNER. I think I know.

The CHAIRMAN. We will cross that bridge when we come to it.

Mr. TAVENNER. I hand you a photostatic copy of a document which bears your name. Will you examine it, please?

I will explain it to you. It is a photostatic copy of a record of the membership of the Independent Progressive Party State Central Committee for the year 1948.

I believe if you will examine it, you will see that your name is on there. Do you see it?

Mrs. WARD. I see a typewritten name.

Mr. TAVENNER. Whose name is that?

Mrs. WARD. It corresponds to my name. It is typewritten.

Mr. TAVENNER. Were you a member of the State central committee at that time?

Mrs. WARD. Just a moment please. Do you want to know if I was a member of this committee staff?

Mr. TAVENNER. Yes.

Mrs. WARD. Is this an investigation into the Independent Progressive Party?

Mr. TAVENNER. No, it is an investigation of Communist Party activities in that group. Now, will you answer it?

Mrs. WARD. In view of your answer, I will rely on the first and fifth amendments.

Mr. TAVENNER. I desire to offer the document in evidence, and ask that it be marked "Ward Exhibit No. 1."

The CHAIRMAN. It may be so marked.

(Document marked "Ward Exhibit No. 1," and retained in committee files.)

Mr. TAVENNER. Mrs. Ward, the committee has received a great deal of evidence in certain areas of California, not including San Francisco, regarding decisions made by the Communist Party to take over the work of the Independent Progressive Party in the State of California.

Do you have any knowledge on that subject as it would apply to the immediate area of San Francisco?

Mrs. WARD. I would like to invoke the first and fifth amendments.

The CHAIRMAN. You say you would like to? Does that mean that you do?

Mrs. WARD. I do, sir; I do.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Yes, I have one other, if you will permit it.

Are you a member of the Communist Party now?

Mrs. WARD. I cite my previous answer, sir.

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. The witness is excused, and the committee will take a recess of 5 minutes at this time.

(Brief recess taken.)

The CHAIRMAN. Call your next witness, Mr. Tavenner.

MR. TAVENNER. Mr. Jay Darwin, will you come forward, please?

THE CHAIRMAN. Will you raise your right hand? Do you swear the testimony you will give will be the truth, the whole truth, and nothing but the truth?

MR. DARWIN. I do. I make this statement under oath.

VOLUNTARY STATEMENT OF JAY A. DARWIN

MR. TAVENNER. Mr. Chairman, this gentleman just brought a matter to my attention which I thought should be made a part of the record here, and we are very glad to have him make it a part of the record. Will you now proceed to state to the chairman what you had in mind, but first of all identify yourself.

MR. DARWIN. My name is Jay Darwin. I am an attorney at law, admitted to practice in the State of California and the State of New York, Federal courts here, and also in the United States Supreme Court.

In your questioning of the prior witness, Mr. Tavenner, you made reference to the State CIO council; and perhaps my inference, at least it was my understanding that way, there was a suggestion that the State CIO council, by some means of association, has implicitly some connection with the purposes of your investigation. I want to make this statement and I want to make it perfectly clear, and it will probably be of help to your committee.

I believe you are referring to the State CIO Industrial Union Council as it was constituted prior to the spring of 1950.

MR. TAVENNER. That is correct.

MR. DARWIN. If the reference is to that period of time——

MR. TAVENNER. I might say the testimony of Mr. Silver related to that period of time although I did not so state.

MR. DARWIN. I see. I want to make perfectly clear that the National CIO found the State CIO council, as well as the city and county of San Francisco CIO industrial council, as violative of the principles, purposes, and policies of the National CIO. As a result of that—I may speak perhaps with some pardonable understanding on your part since I represented the National CIO in litigation—and as a result of that, the charter of the State council was lifted. I want to make it perfectly plain, however, that I do not know of my own knowledge any relevancy as to the questions or the import of associations that your committee may have in mind even as to the whole State council. That is not my purpose in talking here. I wanted to get the record straight as to the present State CIO council.

MR. SCHERER. You said the State charter was lifted by the National CIO?

MR. DARWIN. Yes, it was.

MR. SCHERER. Why was it lifted?

MR. DARWIN. It was lifted because it was found that the purposes, policies, and objectives did not compare with the purposes, policies, and objectives of the National CIO.

MR. TAVENNER. Thank you very much for clearing that up.

MR. DARWIN. Thank you for the opportunity of making that statement.

THE CHAIRMAN. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Peggy Sarasohn, will you come forward, please?

Mr. LEONARD. Before this witness is sworn, she desires me to state to the committee that she wishes to have the television cameras off.

The CHAIRMAN. Your wishes will be complied with. Will you raise your right hand, please, and stand up?

Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss SARASOHN. It is.

**TESTIMONY OF PEGGY (R.) SARASOHN, ACCOMPANIED BY
COUNSEL, NORMAN LEONARD**

Mr. TAVENNER. Will you state your name, please?

Miss SARASOHN. Peggy Sarasohn.

Mr. TAVENNER. Will you spell your last name?

Miss SARASOHN. S-a-r-a-s-o-h-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. LEONARD. My name is Norman Leonard, 240 Montgomery Street, San Francisco, Calif. As I said previously, I am a member of the California bar and Supreme Court of the United States.

Mr. TAVENNER. Are you Miss or Mrs.?

Miss SARASOHN. Miss.

Mr. TAVENNER. Where do you reside?

Miss SARASOHN. In San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Miss SARASOHN. Almost 12 years.

Mr. TAVENNER. Have you lived at any other place during the last 12-year period?

Miss SARASOHN. No.

The CHAIRMAN. Mr. Tavenner, before you go on, I would like to remind the photographers of our rules concerning the taking of pictures during testimony. It is disconcerting, and the committee wants you to take your pictures in advance so as not to disturb the witness.

Miss SARASOHN. Thank you, sir.

Mr. TAVENNER. What is your occupation or profession?

Miss SARASOHN. May I consult counsel?

Mr. TAVENNER. Surely.

(The witness conferred with her counsel.)

Miss SARASOHN. I am employed as a saleswoman.

Mr. TAVENNER. Do you have any other employment or occupation?

Miss SARASOHN. No, sir.

Mr. TAVENNER. How long have you been a saleswoman?

Miss SARASOHN. Since 1955, sir.

Mr. TAVENNER. Will you tell us what your formal educational training has been?

Miss SARASOHN. I am a graduate of the Arts High School and have a bachelor of science degree in art education from New Jersey State Teachers College.

Mr. TAVENNER. When did you complete your work in New Jersey?

Miss SARASOHN. June 1941.

Mr. TAVENNER. Where did you live between 1941 and you said 12 years ago, so that would be 1945. Where were you between 1941 and 1945?

Miss SARASOHN. In New Jersey.

Mr. TAVENNER. Where did you live in New Jersey?

Miss SARASOHN. Newark, N. J.

Mr. TAVENNER. What was your occupation there?

Miss SARASOHN. May I consult an attorney, sir? I wish just one moment, please.

(The witness conferred with her counsel.)

Miss SARASOHN. Well, between June 1941 and June of 1945, I was employed for the Prudential Insurance Co. and by the Board of Education for Newark, N. J., and for Western Electric Co. in New Jersey.

Mr. TAVENNER. Did you have any organizational experience during that period of time for any organization?

Miss SARASOHN. I would like to consult my attorney.

(The witness conferred with her attorney.)

Miss SARASOHN. I do not understand the relevancy, and that is why I consulted with my attorney.

Mr. TAVENNER. Let me withdraw my question for the present and I will repeat it a little later, but I will ask you this question now: Have you done any organizational work for the Communist Party since January 1, 1957, in San Francisco?

Miss SARASOHN. I have heard the testimony of the prior witness and I wish to state that I will not answer any questions, sir, regarding any organization or any individuals that the committee wishes to inquire about and I wish to invoke the privilege and the rights of the first and the fifth amendments.

Mr. TAVENNER. I did not ask you any question relating to other persons. I asked you whether or not you had done organizational work for the Communist Party in San Francisco at any time since January 1, 1957. You have not clearly answered that question. You have stated another question and proceeded to answer it. Now, will you answer my question, please?

Miss SARASOHN. One moment, please. I wish to rely on the privilege of the first and the fifth amendments, as I have stated, sir.

Mr. TAVENNER. Now, I will ask you whether you had organizational work and experience before coming to California.

Miss SARASOHN. My answer is stated the same as I stated to prior questions.

Mr. TAVENNER. Have you in any way been connected with the California Labor School?

Miss SARASOHN. My prior answer, sir, I think applies to this; the same answer as I have stated before.

Mr. TAVENNER. Will you advise the committee whether or not you were registrar of the school in the year 1953?

Miss SARASOHN. My answer has been included in the record; and my reasons for my answer, I think, are explicit and are guaranteed by the rights of the Constitution.

Mr. TAVENNER. Will you tell the committee what group it was within the Communist Party that directed the policies of that school, if any?

Miss SARASOHN. I have already indicated to the committee that I am not going to discuss any organizations or any individuals. I think that that would be within the realm of that question, so my prior answer so stands.

Mr. McINTOSH. Would you instruct the witness to refer to any constitutional clauses on which she seeks to rely.

Miss SARASOHN. I thought I mentioned them clearly, that I rely on the first amendment, which speaks very clearly that Congress shall make no law regarding free speech or free press or regarding the right of assembly. I think this is pertinent to it and also I do rely on the privilege which is part of the Constitution, the fifth amendment, which requires that no witness shall be required to testify against themselves.

Mr. TAVENNER. Will you tell the committee what knowledge you have, if any, of the Professional Section of the Communist Party in San Francisco as it is operated today.

Miss SARASOHN. Same answer that has already answered refers to my replies.

Mr. TAVENNER. Are you now a member of the Professional Section of the Communist Party?

Miss SARASOHN. Same answer that I have already given, sir.

Mr. TAVENNER. Would you tell the committee the size of the membership of the Professional Section of the Communist Party in San Francisco?

Miss SARASOHN. The same answer, sir, that has already been given seems to be part and parcel of this same question.

Mr. TAVENNER. In other words, there is no question that I might ask you regarding your knowledge of Communist Party activities in this area that you would be willing to tell the committee?

Miss SARASOHN. May I consult with my attorney, please? If you ask me specific questions, I can give you answers as we go along.

Mr. TAVENNER. Is it worthwhile?

Miss SARASOHN. It is up to you to decide.

Mr. TAVENNER. Every question that I have asked you regarding matters which would certainly be within the knowledge of any person who was a member of the Professional Section of the Communist Party, you have refused to answer. If you will direct me to any area of Communist Party activity in which you will answer, it may be of such importance that I will inquire.

Miss SARASOHN. I must consult with my attorney, sir.

(The witness conferred with her counsel.)

Miss SARASOHN. It is my understanding, sir, that you are the ones that has invited me as a witness and that your phrasing of the question is in your area.

Mr. TAVENNER. Let us end the whole subject by asking this question: Tell the committee what you know about Communist Party activities in San Francisco.

Miss SARASOHN. Same answer as to the prior questions.

Mr. TAVENNER. Were you a member of the Communist Party before you came to San Francisco, while you were in New Jersey?

Miss SARASOHN. Same answer to the same associated questions.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. TAVENNER. Will you sign the voucher so you will be paid for your attendance. That applies to all witnesses.

Will you come forward, please, Dr. Jack Patten?

The CHAIRMAN. Will you raise your right hand please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. PATTEN. I do.

TESTIMONY OF JACK (BEVERLY MIKELL) PATTEN

Mr. TAVENNER. Dr. Patten, will you state your full name, please?

Dr. PATTEN. Jack P-a-t-t-e-n.

Mr. TAVENNER. Is that your original name?

Dr. PATTEN. There is a little confusion there. My parents had me christened Beverly Mikell Patten. My birth certificate shows the name of Jack, so, hence, I use that name.

Mr. TAVENNER. That is the name by which you are commonly known?

Dr. PATTEN. That is right.

Mr. TAVENNER. How do you spell your last name?

Dr. PATTEN. P-a-t-t-e-n.

Mr. TAVENNER. It is referred to occasionally by another spelling?

Dr. PATTEN. Yes; the common spelling of the name Patton is P-a-t-t-o-n, as in the late General Patton; and I frequently am addressed in that manner.

Mr. TAVENNER. Dr. Patten, it is a practice of the committee to advise all witnesses that they are entitled to have counsel with them during the course of their testimony if they desire. It is noted that you do not have counsel. Do you desire counsel?

Dr. PATTEN. With due respect to the bar of the State of California, I do not feel that I require counsel.

Mr. TAVENNER. When and where were you born, Dr. Patten?

Dr. PATTEN. December 27 or 28, 1910, at Fortress Monroe, Va.

Mr. TAVENNER. What has been your occupation generally?

Dr. PATTEN. Generally a teacher.

Mr. TAVENNER. Will you tell the committee please, what your formal educational training has been?

Dr. PATTEN. Starting with college—right?

Mr. TAVENNER. Yes.

Dr. PATTEN. I attended the University of Washington from 1928 to 1929, in Seattle, Wash., and then attended the New Mexico Military Institute for 2 years; returned to the University of Washington and was graduated from there with an A. B. on March 17, 1933, with a major in English literature and a minor in mathematics.

I later attended Northwestern University in the year 1933 and 1934, which is in Evanston, Ill. I returned in 1936 to the University of Washington and obtained a general secondary teaching credential. Later, in 1948 to 1950, I attended Stanford University, Stanford, Calif., and was granted a doctorate in education with a major in psychology in June of 1950.

Mr. TAVENNER. Did you have service in the Armed Forces of the United States?

Dr. PATTEN. I did; from 1940 to 1941 I was in the Coast Artillery; from 1945 to 1946 I was in the Ordnance.

Mr. TAVENNER. Will you tell the committee, please, what your employment has been; that is, make a brief statement of what your employment has been covering the period from 1936, when you com-

pleted your studies at the University of Washington, on up to the year 1950?

Dr. PATTEN. Yes; and I want the committee and you, Mr. Tavenner, to understand that exact dates are not always firmly fixed in my mind so I may have to give general dates, rather than specific ones sometime.

I was employed while attending the University of Washington in 1936. I was employed there. I then, in the fall of 1936, was employed in a town called Sultan, Wash., at the Sultan Union High School, where I was a teacher of sundry subjects. Thereafter, I worked in Everett, Wash., from 1937—beginning in 1937, I worked for the newly formed council of the CIO in Everett, Wash., and was employed by the WPA as a teacher in workers' education, a branch of their adult education, and was assistant State supervisor of adult education, or of workers' education for WPA. That was roughly 1937 to 1938 or 1939.

I was also, thereafter, employed on a part-time basis by a radio station in Everett, Wash., having the call letters KRKO. In 1940—there was a brief period there before that when I was executive secretary of an organization which bore a title something like the New Deal Democratic Federation of Snohomish County. That was a subdivision of the Washington Commonwealth Federation.

Mr. TAVENNER. We have had considerable evidence about that organization in the course of hearings in Seattle.

Dr. PATTEN. I then went into the Army, in the Coast Artillery, and was at Fort Scott which is located in this area.

Mr. TAVENNER. When did you go into the service?

Dr. PATTEN. In August of 1940, until the end of March of 1941. I stayed here and did not return to the State of Washington for any residence—I have visited there a few times since—I was employed for 1 month by Southern Pacific Railroad here and then went to work at radio station KSAN in San Francisco until late in December of 1941. I believe it was in the period between Christmas and New Year's that I went to work for Pacific Bridge Co., an engineering firm and a shipbuilding division in Alameda. I worked for Pacific Bridge roughly a couple of years. I then went to work for a woodworking firm here in San Francisco by the name of L & E Emanuel, which was building furniture for marine use, and I was transferred there by the president of that corporation to a newly formed corporation known as Seaporcell Pacific Corp. which sold ceramic-coated bulkheads and other equipment for ships. I cannot give you the exact time and dates on all of this employment, but it could be checked through social security, I assume.

I worked for the Water Division of Army Transport Service for a short time early in 1945 and then went back into the service, into the Army, in May of 1945 and was stationed at Aberdeen Proving Ground during most of the time I was in the service. That is in Maryland. I was discharged July 19, I believe, 1946.

Mr. TAVENNER. Then, there were 2 periods of service in the Armed Force, one from August 1940 to March 1941?

Dr. PATTEN. The last day of March.

Mr. TAVENNER. And then again from May 1945 to July 1946?

Dr. PATTEN. That is correct.

Mr. TAVENNER. Will you proceed, please?

Dr. PATTEN. After coming out of the Army in July, I was on compensation because I had a job coming up the end of August or early September of that year. I did not seek employment for that reason. Then, I went to work in the fall of 1946 at the City College of San Francisco, where I was a teacher of English. While teaching there, I also was employed part time in the San Francisco State College that year and again in 1948. In the summer of 1948, I changed my employment location to San Francisco State College, where I taught until 1950, November of 1950.

Mr. TAVENNER. That is the record of your employment over the period of time that I asked you?

Doctor, during the period of time that we have discussed, that is, during the period in which you were employed in different occupations at different places, say from 1938 to 1950, did you have an opportunity to observe the workings of the Communist Party on the West Coast?

Dr. PATTEN. Yes, sir.

Mr. TAVENNER. What was the occasion for your having that knowledge of the operations of the Communist Party?

Dr. PATTEN. I was a member of the Communist Party beginning in 1936, the fall or late summer of 1936.

Mr. TAVENNER. And continuing until when?

Dr. PATTEN. Either late 1947 or early 1948. I cannot be exact on that.

Mr. TAVENNER. Were you a member of the Communist Party during that entire period in 1936 to 1947 or 1948?

Dr. PATTEN. With the exception of the both times when I was in the Army, I was a member pretty much all the time. To clarify that, when I left the Army the first time and started to rejoin with the Communist Party, I obviously moved from the State of Washington to here; and it took a little time for my records to be transferred, the information they had to have, so there was a lapse of time beyond the time when I was in the Army when I was not a member of the Communist Party.

May I also point out that when we use the term "Communist Party," we are not distinguishing between the Communist Party and the Communist Political Association, and in anything I say, I am not distinguishing between the two because I see no difference.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since 1948?

Dr. PATTEN. No.

Mr. TAVENNER. You severed all connections with the Communist Party, and it is a thing of the past as far as you are concerned?

Dr. PATTEN. As far as I am concerned it is a thing of the past and, as far as I know, I cannot associate myself in any way with members of the Communist Party.

Mr. TAVENNER. Or its activities?

Dr. PATTEN. Yes.

Mr. TAVENNER. The committee would be interested to know, Doctor, what the circumstances were that brought you into the Communist Party and also the circumstances that took you out of the Communist Party.

Dr. PATTEN. The circumstances that brought me in were partially personal ones, partially an outgrowth of the times. I had attended school, the later part of my schooling during the depression. I had read a great deal of suggestions, a great many suggestions that were made for taking care of the socioeconomic problems in the United States. I also read as a student of the literature a great many works of a social highs or utopian nature, so the subject of socialism was not foreign to me.

It appeared to me then that something was necessary to alter the economy of the Nation because I did not feel that it was functioning adequately.

I examined literature of existing organizations, expressed my desire to join the Communist Party to a couple of young women I knew, and they got me in touch with someone who signed me up in the Communist Party.

I will say, in addition, that the party was personal. I believe it was an emotional reaction that I had of my own—hostility toward authority, which one can express in various ways by physically striking that person in authority, such as a parent or police officer or engaging in political activity which is in opposition to authority. My reasoning for mentioning that is that I knew at the time that that is what I was doing. I recognized it ever since; and to my way of looking at it, a great many people have joined revolutionary movements for that purpose, to give themselves an emotional release of hostility against authority.

Mr. TAVENNER. What do you think, Doctor, aroused that sense of hostility in your own case? If it is of too personal a character, I will withdraw the question. I do not know what your answer would be.

Dr. PATTEN. Because of the particular psychologist's beliefs I have, I could give you a textbook answer, that any emotional disturbances of that type start in infancy and early childhood through no malicious intent of one's parents, due perhaps to harsh and rigid treatment of the child. But I say that with full respect for parents. Is that 'good enough?

Mr. TAVENNER. Yes.

As a result of the matters you have discussed, you solicited membership in the Communist Party, I believe?

Dr. PATTEN. Yes; nobody asked me.

Mr. TAVENNER. Did you go to Communist Party headquarters yourself and were signed up there or how was it done?

Dr. PATTEN. No, someone came to see me.

Mr. TAVENNER. Do you recall who that person was?

Dr. PATTEN. Evelyn Hurst Pool.

Mr. TAVENNER. That was in Seattle?

Dr. PATTEN. That was in Seattle.

Mr. TAVENNER. Do you know what position she held in the Communist Party, if any?

Dr. PATTEN. At the time, I found out shortly thereafter, she was working in the district office in Seattle as a secretary. I was also advised before I was finally accepted by a gentleman by the name of Bob Roberts, who talked to me further about the question and what might be involved.

Mr. TAVENNER. Do you know what position Bob Roberts had in the party?

Dr. PATTEN. No.

Mr. TAVENNER. It is not the committee's intention here to go into matters which would be more or less confined to the area of Seattle and the State of Washington. We do not have time for that; but if you would, describe just briefly the highlights, you might say, of your Communist Party activities in the State of Washington, your Communist Party connections. For instance, did you hold any position of leadership at any time in a group of the Communist Party?

What I am getting at is, I want to find out how well qualified you were to observe the effect of Communist Party activities before you came here to the city of San Francisco. It is only information of that character that I am interested in bringing out here.

Dr. PATTEN. I was a member, first, of a branch in the city of Seattle which is composed of teachers, government workers, other semi-professional people. I then, I suppose early in 1937, since I was teaching in Snohomish County, I transferred my membership to a branch in Everett, Wash., which was also professional in character.

I also held a position there in the county headquarters or leadership as educational director, if I am not mistaken. I know I was a nonorganizer. I delivered one or two keynote speeches at county conventions during the time that I was there. So, I was in a position of some leadership, not in the upper brackets.

Mr. TAVENNER. Before we go into the question of your knowledge of Communist Party activities among the professional group, or the Professional Section of the Communist Party in San Francisco, let me ask you more about the circumstances attending your leaving the Communist Party.

Dr. PATTEN. At the time I went back into the Army, and at that particular time, I got the Jacques Duclos letter criticizing the American Communist Political Association. So, while I was in the Army, the Communist Political Association was revamped once more into the Communist Party, so it was changed by the time I got out. What I read in the newspapers, and so on, when I was in the Army, I did not particularly like the turn which the Communist Party had taken, the somewhat strong left position it was taking in its attitude toward the administration of the United States Government. However, when I returned from the Army, I did rejoin and I was then in the party for a little over a year. I did not feel too much sympathy for what the Communist Party was trying to do then. For my own personal betterment and what turned into later professional training as a psychologist, I underwent psychiatric treatment; and it was one of the understandings of the Communist Party that no one undergoing psychiatric treatment would be allowed to remain active within the Communist Party, so I dropped out then never to return.

Mr. SCHERER. Why was it that the Communist Party objected to anyone undergoing psychiatric treatment or psychiatric care?

Dr. PATTEN. In various forms of psychotherapy or psychoanalysis, the patient is expected to tell whatever comes to his mind. It would not be then to the liking of the Communist Party to have members revealing to a psychologist or psychiatrist everything that might come to his mind, including information relative to the Communist Party. Therefore, as a safeguard, that objection was raised.

Also, in general, in the party literature at that time, there was a great deal of opposition to psychiatry and psychotherapy, ideological

opposition to it. As I interpret it now, it would be on the assumption that a person who had successfully undergone psychotherapy would not be a good Communist thereafter, and well that may be.

Mr. TAVENNER. And you said, "And well that may be"?

Dr. PATTEN. Yes.

Mr. TAVENNER. You were telling us about that situation bearing on the question of your leaving the Communist Party.

Dr. PATTEN. So, I just ceased to attend, with the full understanding of other people that I would not attend any more meetings because I was undergoing psychotherapy.

Mr. TAVENNER. What was your first connection with the Communist Party in California?

Dr. PATTEN. Sometime after I left or was discharged from the Army, I went to the Communist Party headquarters, which was then located on Eighth Street about a block above the market.

Mr. TAVENNER. You are now referring to the first period of enlistment?

Dr. PATTEN. That is right, in 1941. I believe the address there was 121 Feit Street, if I am not mistaken. I went there and saw someone. I do not know who it was in the office. I introduced myself, and I asked that I be readmitted to the Communist Party here in San Francisco, and whoever it was told me they would undertake to get my transfer through. It took several months. I could not say how long, but it was probably in 1942 sometime, possibly early in 1942, that I was admitted to the Communist Party in San Francisco.

Mr. TAVENNER. What were your first contacts in the Communist Party after being admitted? By that I mean to what type of an organization were you assigned?

Dr. PATTEN. I was a member of a professional branch, group, cell, or what have you, made up of people of various professional and semi-professional standing.

Mr. TAVENNER. I would like you to tell the committee, please, what the basic organizational setup of the Communist Party was in San Francisco at that time and as you learned it to be in your experience in the party over the next 6 or 8 years.

Dr. PATTEN. Of course, my first-hand knowledge would be primarily professional organization because that is what I was a member of. There were professional clubs, such as the one to which I belonged. There was one still for a short time made up of a few newspaper people, people engaged in newspaper work. There was a club of attorneys and one of doctors. This, I believe, comprised the Professional Section. There were other clubs organized on a neighborhood basis for other than professionals. How many of those there were, I do not know through the city. I believe there were some organized on an occupational basis, that is, people engaged in particular industry, such as waterfront workers, I believe, were in a particular one. Those were the basic organizations, and everyone was a member of some branch or club.

Mr. TAVENNER. To further understand the professional section setup, you said there was at one time a group composed only of newspapermen, a group composed only of lawyers, a group composed only of doctors. Now, where did the other categories belong, such as teachers, artists, musicians, civil service employees?

Dr. PATTEN. At that time, those people were in one branch of the city, which was a professional or multiprofessional group.

Mr. TAVENNER. They were all in one group?

Dr. PATTEN. All in one group; yes, sir.

Mr. TAVENNER. Were you at any time a member of any group of the Communist Party, other than a group within the Professional Section?

Dr. PATTEN. No, not a member of any other branch; I was a member at one time of the county committee.

Mr. TAVENNER. Yes, I will come to that.

Dr. PATTEN. I was always a member of the Professional Section.

Mr. TAVENNER. You have spoken of the Communist Party groups within the Professional Section. Those were the cells or the basic groups of the party, were they not?

Dr. PATTEN. Yes.

Mr. TAVENNER. What was the organization on the level next above these groups that you have described?

Dr. PATTEN. There was a professional section organization which was composed of representatives of professional clubs, the purpose of which was to take care of internal matters such as dues, collecting, recruiting drives, and such things within the professional club, to some extent, I suppose, to translate educational material to make it fit the work of particular professional people or to supplement an educational program as it came down from the county and higher bodies.

Whether there were section committees over other branches, I do not recall. I do not think it particularly matters. There was a county committee above the section level which was elected by convention each year. Above that was the county executive committee, likewise elected by the convention, and then a State organization set up by State conventions and the national.

Mr. TAVENNER. The composition of this section group was representatives from the particular cells?

Dr. PATTEN. I believe they were all representatives. There was no one who was appointed.

Mr. TAVENNER. In other words, there would be in that group, a doctor or two, a lawyer or two, and then representatives from other groups?

Dr. PATTEN. If it was functioning adequately, yes.

Mr. TAVENNER. Were you ever a member of such a group?

Dr. PATTEN. Yes.

Mr. TAVENNER. Were you a member of the County Committee at any time?

Dr. PATTEN. Yes.

Mr. TAVENNER. You were never a member of the State Committee, of the Communist Party I believe?

Dr. PATTEN. No.

Mr. TAVENNER. Mr. Chairman, you indicated you desired to stop at 12, and I think this is a good place.

The CHAIRMAN. The committee will stand in recess and meet at 2 o'clock.

(Whereupon, at 12 noon, the committee was recessed to reconvene at 2 p. m., the same day.)

AFTERNOON SESSION—TUESDAY, JUNE 18, 1957

(Committee members present: Representatives Francis E. Walter, chairman; Gordon H. Scherer; and Robert J. McIntosh.)

The CHAIRMAN. The committee will be in order.

Call your witness, Mr. Tavenner.

Mr. TAVENNER. I would like to recall Dr. Patten to the stand. Come forward, please, Dr. Patten.

Mr. EDISES. Barbara Sherwood, the widow of William Sherwood, is present, and she would like the privilege of making a statement to the committee at this time.

The CHAIRMAN. We will call the witnesses in accordance with our procedure.

Mr. EDISES. She is not a witness and she has left four children at home. She has no time. She has to get back with them as quickly as possible. Her statement is very brief.

The CHAIRMAN. We are proceeding in accordance with our program.

TESTIMONY OF JACK (BEVERLY MIKELL) PATTEN—Resumed

Mr. TAVENNER. Dr. Patten, you have described to us the original setup of the Communist Party here in the city of San Francisco with regard to the Professional Section of the Communist Party.

You have told us about the existence of certain professional cells of the Communist Party. Now, will you describe to the committee, please, what the functioning of those groups entails. Just what was their purpose, what they did during the course of your experience here in San Francisco.

Dr. PATTEN. One thing that was expected—let me interrupt at this point and say if I use the present tense, it is unintentional because I know nothing of the functions of the Communist Party today. Anything I say is in reference to what I know of it at the time I was a member.

At that time, it was expected that everyone who was a member would pay dues. That was the first requirement, which was fundamental. At one time, if not all of the time I was in, the constitution required that a member belong to a labor union in his own field, if such union existed.

As for activities, they varied with the occupations expected, varying with the occupation of the individual, with the type of organization, whether it was a professional or neighborhood club.

In general, anyone in a position of importance or in a profession would not reveal his membership as a Communist.

There were other activities in which all members would engage in such activities as fund-raising activities. They would have a party for the purpose of raising funds. Parties are most common social affairs—sometimes auctions, paintings or books or something like that.

At times certain drives were conducted within the party for membership, recruiting campaigns which were of one or the other type. They were either individual or mass recruiting activities. Most recruiting was done on an individual basis where members were required to, or were expected to, be interested in recruiting people whom

they met and they knew, with whom they worked, and recruiting them into the party.

Mass recruiting was generally done as the aftermath of a public meeting, where the party leader would speak and most of the recruiting was an individual matter—at times conducted within the organization for selling subscriptions, perhaps, to the Daily People's World in order to get more people to read that paper.

I do not know whether that type of thing answers your questions sufficiently, Mr. Tavenner.

Mr. TAVENNER. Was the membership given directions as to how they were to engage in work in mass organizations?

Dr. PATTEN. If there were general directions given, then they would be given on the basis of study of Marxist literature and the interpretation of that literature in the light of the organization at the time.

There may have been specific cases where people were given instructions in how to operate within an organization, certainly operation of people within organizations was discussed from time to time in small groups, not necessarily in a club meeting. It would be quite natural for members of the Communist Party who all happened to be also members of some organization to discuss their functioning within that organization.

Mr. TAVENNER. What control did the section group of the Communist Party have over the activities of the members of the cell groups?

Dr. PATTEN. I am not sure I know what you are referring to.

Mr. TAVENNER. Possibly it would be better to describe what the functions of the section group were.

Dr. PATTEN. In party educationals as I mentioned earlier, encouraging activity along lines of recruiting and activity perhaps in a particular organization, something like that. It was not uncommon at one time for the members of individual clubs to be encouraged, for example, to participate in activities of such organizations in your labor schools; or perhaps even in a political campaign of a member of 1 of the 2 major political parties, to assist someone to be elected.

Mr. TAVENNER. During the course of the educational functions of the party cells, as you described a while ago, what emphasis was placed on the teaching of Marxist, Leninist, and Stalinist doctrines and principles?

Dr. PATTEN. That varied as an off-and-on proposition. I have to review just a little bit to explain and review, in a rough sort of a way, the history of the Communist Party in the United States, prior to, I believe, 1935. The Communist Party was operated very much along the lines of what was done in other countries. After 1935, the Seventh World Congress, when Dimitrov outlined the People's Front idea, efforts were then made to Americanize the Communist Party, to make it fit the American people's ideas more, to make it fit the American political structure, and so on.

So, it became at times difficult to study and to teach some of the basic literature by Marx, Lenin, and so on, because it did not fit the particular period in American history unless it was translated into quite different terms.

This was probably particularly true during the Second World War when the Communist Party was exerting its efforts in support of the war and the administration's various other programs at that time.

Mr. TAVENNER. Did that effort in promoting the war take on the character of an effort to assist the United States as the primary objective of the Communist Party or not?

Dr. PATTEN. To just give a "Yes" or "No" answer would pretty much be a reflection of my opinion, so I have to go into a little more detail, I believe.

The Communist Party was active in support of the United States during the war, certainly. Members were expected to be active in war industries and in the Armed Forces, getting blood donations for overseas uses, all sorts of things of that type.

Whether this was solely for the purpose of furthering the war efforts of the United States or not, is a different question; and I know that I am stretching nothing when I say it was the opinion of people with whom I came in contact during that time who were not Communist Party members that every effort must be made to assist the Soviet Union.

This could be because the Soviet Union was an ally of the United States, although I never heard such exuberance expressed for Great Britain. Great Britain was our ally, also, as well as many others. One might say the efforts to assist the Soviet Union were because that was the only way of being sure that we would win the war, too.

However, the expression which I heard so often was that if the Soviet Union were to lose in the war against Germany that the whole advance of socialism throughout the world would be set back 100 years or so, and that the Soviet Union for that reason must be preserved.

I actually believe that all of the efforts toward the opening of a second front on the European Continent were primarily for that purpose. The cry was set up very early for opening a second front, not with the idea of assisting the United States in winning the war because we were actually occupied in two wars, but to sufficiently annoy the German Army so as to take pressure off the Soviet Union.

Mr. SCHERER. Mr. Tavenner, what was the witness Klein's first name who testified in Kansas City? Do you recall his name? I remember his last name was Klein. It does not make much difference. See if my recollection of his testimony is not correct, Counsel; I believe you were counsel at that time.

Klein had been a functionary of the Communist Party and had broken with it. He was also a labor organizer. His first obligation, however, as he said, was to the Communist Party. As I recall, he was sent into Schenectady to organize the union at General Electric.

We asked him why the Communist Party wanted to infiltrate and control the union at the General Electric plant in Schenectady. His answer was that if Soviet Russia was an ally, then production could be accelerated. On the other hand, if Russia was an enemy, then sabotage could be so much more easily accomplished. Is that your recollection of that testimony, Mr. Tavenner?

Mr. TAVENNER. Yes, sir; that is substantially correct.

What emphasis was placed upon allegiance to the Soviet Union, as distinguished from allegiance to the United States?

Dr. PATTEN. All I can do here is reflect my own feelings at that time because obviously there would be nothing published that said your first loyalty is to the Soviet Union.

I do know this, though, that there was not any criticism. Never did I hear criticism of anything done in the Soviet Union. It would either be, if it were obviously something bad, then it would be labeled as an incorrect story. If it was something that one could not understand why it was done, then one either developed some rationalization for what was done or kept quiet about it. The biggest piece of keeping quiet occurred at the time of the signing of the Soviet-German Pact, prior to the full-scale opening of the Second World War.

When that occurred, the Communists were dumbfounded. We had no answer. That is not only rank and file membership, but there was no answer as far as I know in the Daily Worker for more than a day afterwards.

Now, as I recall, the excuse given by the editors there or someone on the Daily Worker was that they wanted the American people to have a chance to express themselves on this world-shaking event first before they explained it, but it seems pretty obvious to me and anyone else who is honest about it, they had no answer for it because they were not forewarned by the Soviet Union that this would take place or might take place. There was not the remotest possibility that said the beloved Stalin and the overt Hitler could join hands, so when it occurred no one had an answer for it, but no one would have said this is wrong. He would be out of the party very fast if anyone said that.

Mr. TAVENNER. That was because of the discipline of the Communist Party over its members?

Dr. PATTEN. Yes.

Mr. TAVENNER. There is one person, according to testimony, that I know of who did have an answer. Dorothy K. Funn, a school-teacher in the State of New York testified that at the time of entry into that pact, she was in attendance at a Communist Party school in the State of New York and the teacher, when first learning of the signing of the pact in the classroom, adjourned the class and told them to come back several hours later.

They came back several hours later and the time of the meeting was adjourned again. The second time they came back his reply was, "If Stalin does it, it's right."

Dr. PATTEN. That is the general idea; yes.

Mr. TAVENNER. This witness also drew the analogy that what international communism wanted would be done and followed in this country. From your observation, did you consider that what the Communist Party, as a whole, the international Communist Party desired would be followed by the Communist Party in the United States?

Dr. PATTEN. I can answer that question with a "yes." If you were observing such affairs in 1945, didn't you notice the Communist Party of the United States stopped being a political association and became a political party again; didn't you see it drop its 100 percent American facade and then become again more of an outspoken, thoroughly leftwing organization?

This was as a result of a French Communist criticism of the American Communists, and I do not think Mr. Duclos made that up himself. I think it was the result of conversations with others in the European Communist Party.

There was a little bit of response or feeling among American Communists, not in the press but just in their conversations, "Who is this guy to tell us what to do," but that passed very rapidly, a matter of a day or so the wheels started turning to reorganize the Communist Party.

Discussions were held within clubs on the Duclos letter and on the whole question of reorganization, with the reorganization and intensification of the revolutionary aspects of communism, as against the democratic processes that were attempted so much prior to that time.

Mr. TAVENNER. What was the effect that the Communist Party discipline that you mentioned a moment ago and the teachings of the Communist Party had upon you as far as your attitude toward the Soviet Union was concerned during the period of your membership in the Party?

Dr. PATTEN. It was quite severe. I do not think I am any exception there. I think other members of the Communist Party felt the same way, did the same mental gymnastics that I was doing all the time.

We read literature from the Soviet Union quite frequently, current magazines. I can recall getting copies of a magazine called Soviet Literature. I did not get it quite regularly but quite often, reading articles in there on Shakespeare, some Soviet writer's interpretation of the intent of William Shakespeare in portraying certain characters. This was very odd for these writers to attribute to William Shakespeare some of the things which they were able to attribute to him, including class consciousness and a "man with a heart for the worker" type of thing. But they were able to distort Shakespeare sufficiently in that direction.

The reaction that I got after a few years of this type of saturation—in fact it did not even take a few years—the reaction was the acceptance of anything coming from the Soviet Union, whether it be a piece of literature or a political act or the trial of certain former members of its party and government, or whatever it might be.

I know this to be a fact because I have an instantaneous reaction to dates, and even today, I have no feeling for that today.

My first reaction when I see a newspaper story or hear a story of something which the Soviet Union has done, my first reaction, even now, for just a few seconds, is to try in my own mind to justify, to understand, and to condone what has been done. I want to emphasize again that this last is only a few seconds, and then I go through the process of putting my head on straight again, but this condition one goes through within the Communist Party does distort one's thinking so much that it is a very difficult thing to change it.

Mr. TAVENNER. In the practices of the Communist Party, you would describe it as a conditioning process?

Dr. PATTEN. Yes, sir, nobody as far as I know, ever told me, or I never heard them tell anyone else, that you will condone and support anything that is done in the Soviet Union by the Communist Party and the Soviet Union or by the Government of the Soviet Union.

Nobody said that, but the Soviet Union was held up as a great example, as the hope of democracy and the hope of true democracy, not capitalism, the hope of free people throughout the world. Seldom

would a speech made at a convention end without praise for the great leaders of the Soviet Union. This is standard. It is already ready-made to be put into any speech.

Mr. TAVENNER. Was it the practice in the professional cells in San Francisco for leaders of the Communist Party on a higher level to come to the cell meetings for the purpose of conducting what is usually referred to as educationals?

Dr. PATTEN. No, not to my recollection. There may have been exceptions to this, but there would have been objections raised by some members to having anyone who is not a member of that particular club come in, even someone from another professional club; the objection would be raised.

I may be wrong on that, but that is my own recollection.

Mr. TAVENNER. Why was there such an objection to other Communists coming into the meetings of the professional cells of the Communist Party?

Dr. PATTEN. In order to get people to be members of the Communist Party, protection had to be offered, protection from being exposed; and if it was free and open for anyone from any other club to wander in and out, then they could not vouch for that assurance.

Mr. TAVENNER. There was a special effort, then, to keep the names of the membership of the professional cells secret as far as other party members were concerned?

Dr. PATTEN. Yes. I do not say it was always done in idle conversation. One might have started name dropping, but the expressed desire was to avoid naming anyone else to anyone else outside your own group.

When I first went into the Communist Party, people did not even use their right names. They would make up names for themselves or use the name of some person in political life. For example, a Communist might be giving himself the Communist name of the chairman of this committee and operate within the club under that name. This was gradually dropped by most people because the upshot was that you knew a man's right name anyway.

Mr. TAVENNER. Where people were in the same profession there would be no purpose served?

Dr. PATTEN. Yes.

Mr. TAVENNER. You spoke of work done in mass organizations. You take persons who were teachers and were members of the professional cell of the Communist Party, were they expected to perform any special service in any mass organizations and, if so, what organizations?

Dr. PATTEN. Of course, you are concerned more with San Francisco, and I cannot tell you too much about that because I was teaching on the college level where the logical organizations that one would belong to for semipolitical purposes would be the American Association of University Professors, and I saw no efforts made, at least on campuses where I was, to steer the American Association of University Professors in that direction.

You will recall I said it was expected that every member be a member of his union, so it was expected that classroom teachers would be members of the American Federation of Teachers.

I believe I even maintained my membership in that when I was teaching in college, although it served no purpose, because it was

made up here in San Francisco of elementary and secondary teachers.

Mr. TAVENNER. You indicated that you had knowledge of Communist Party objectives within certain teachers' unions and possibly at other places than in San Francisco.

Dr. PATTEN. That is what I started saying, realizing that I could only tell a little bit about San Francisco, but when I first belonged to the Communist Party for the first couple of years in the State of Washington, I was active, instrumental in forming a local of the American Federation of Teachers in my own locality where it did no good, but we organized it anyway. I was secretary of the State Federation of Teachers.

Mr. TAVENNER. That is in the State of Washington?

Dr. PATTEN. In the State of Washington. The decision was made in a meeting of Communist members of the American Federation of Teachers in Seattle that I should run for the office of secretary when the State federation was formed or shortly thereafter, and I did run and was elected. That decision was made by a bunch of us. I think they arrived at my name by the process of elimination.

Mr. TAVENNER. You may be unduly modest about that.

Dr. PATTEN. That brings up a question that you may be thinking of now or later you will: What purpose did the Communist Party, then or anytime when I was a member, have in attempting to capture and control labor organizations and other democratic organizations?

Theoretically, no; theoretically, it was not the intent of the Communist Party, as I understood it, to control such organizations, to capture the chairmanship and all of that, and to hold all of the offices.

Theoretically, the intent was to be influential within these organizations, to help the officers of the organization and the organization as a whole move in certain directions on certain issues, but not to control.

This did not always work out this way and, just as in the State of Washington, under the State Federation of Teachers there, I was executive secretary. Another Communist was president of the State federation. That is what too often happened.

It is a lot easier to control yourself in a position like that than to exercise influence on a non-Communist who is holding those offices.

Mr. TAVENNER. In what direction was that influence supposed to be used?

Dr. PATTEN. It varied. Sometimes getting an organization to pass a resolution in support of a piece of legislation; sometimes getting an organization to sponsor a mass meeting, to lend its name to the sponsorship of something; sometimes it might be to get the organization to revise its structure so as to allow more people to come into it. For example, working within craft unions, it might have been efforts to get the craft unions to move along industrial organization lines—at least prior to the formation of the CIO that might have been true.

Mr. TAVENNER. In short, it would be to carry out those objectives which the Communist Party had at the time.

Dr. PATTEN. That is right.

Mr. TAVENNER. In your position in the State of Washington, where you were secretary of a State organization, what advantage was that to the Communist Party, to have one of its members occupy such a position?

Dr. PATTEN. I doubt if I had the list of all of the members of the various locals of the teachers' unions, but I had a list of the officers and I knew influential people in the unions throughout the State.

I was active in organizing the union, where I could, and was able to initiate activities in behalf of something if I wished. I do not want to say anything against the American Federation of Teachers just because I happened to operate within it as a Communist. I do not want to malign the organization because I am sure it is, by and large, a thoroughly respectable and, in many instances, a well-functioning organization, beneficial to teachers.

Mr. TAVENNER. I think I should state that it would be strange, indeed, if the Communist Party overlooked a strong organization such as the federations of teachers unions in its effort to infiltrate; and we have had considerable testimony before this committee showing, in some instances, the success of the Communist Party in its overall effort through teachers to capture particular chapters or locals.

We have also learned of instances where it was a total failure; their effort was, and we can point to testimony showing that the national organization ousted certain locals, like Local 5 in the city of New York and in the city of Philadelphia, because they had been captured.

I, too, do not want to reflect upon the organization, as such. What I am after is to try to find out the extent to which the Communist Party would go in endeavoring to capture those organizations and what its purpose was.

Mr. SCHERER. Mr. Tavenner, I think it can be said, in every instance where a local was taken over by the Communist Party, the National federation expelled them. Is that not right?

Mr. TAVENNER. I know they did it on a number of occasions and, no doubt, if they had learned of it in others, they would have taken the same action.

Mr. SCHERER. Perhaps I should amend my remark to say when they were aware of it, they acted promptly and vigorously.

Dr. PATTEN. To be more specific, I recall having written up a resolution to be acted on by the local of which I was a member in the American Federation of Teachers, getting other locals to adopt the same resolution, perhaps in order to introduce them in the State federations of labor conventions or to introduce them in central labor councils to try to get them and their affiliated bodies to take like action.

These were not matters pertaining to teacher welfare generally. I remember once a resolution had something to do with the University of Württemberg. I am not sure I knew then what it was, but it was handed to me by someone.

Mr. TAVENNER. You mean by someone in the Communist Party?

Dr. PATTEN. Yes. The Central Labor Council, in the town where I was, adopted it. I do not recall what happened, but it was dastardly what had taken place, and this was a resolution to condemn it. There were resolutions frequently passed endeavoring to free people, labor people, who were imprisoned, such as Mooney, King, Ramsay, Conner in California—that type of thing.

In fact, I had a few little arguments with a member of the American Federation of Teachers, with some of my colleagues, and a couple of fellow Communists in the State Federation of Teachers because I felt we should pay some attention to teachers, to textbooks, classroom problems, and so on, and make it a professional organization;

and I was pretty much rebuked. I was a minority of one in that argument.

Mr. TAVENNER. Would you say that basically this proposition was that the Communist Party was more interested in those groups for the purpose of having them serve its purposes, than actually to help those teachers?

Dr. PATTEN. Yes; as to make teachers "class conscious," to make them realize that they were members of the American working class and had something in common—thoroughly in common—with other wage workers, and the mere fact that they were professionals had nothing to do with it.

Mr. TAVENNER. Doctor, would you agree that such a man, and such a system, when established on such a large scale, would be one of the strongest methods of propagating doctrines or promoting the distribution of propaganda that could be designed?

Dr. PATTEN. Yes. In very few cases in the times that I have knowledge of could a teacher have gone into his high school, say a high school classroom, and done a bang-up job of teaching virtues of life in the Soviet Union.

I doubt if this would have been possible, but there were subtler ways of bringing in information to see that some child in the class would study about the Soviet Union, urging them not to take just the popular opinion, but investigate.

That would have been the approach at times, and at other times, they may have omitted a study of something in order to avoid something negative coming out and not have it studied at all. That is another technique which could be used very easily.

I am merely reflecting here an opinion and somewhat my own knowledge, but I am not referring to any specific situation. I can refer to one, and it is only my own activity and nobody told me to do it, but at the time of the national election I had a high school study of all of the candidates, including Earl Browder. We even had an election and I think Browder had a couple of votes in the classroom.

Mr. TAVENNER. That brings up this subject, Doctor, and of course, I am asking you only to draw on your own experience and observations.

When a person has belonged in the Communist Party through all the degrees of training and experience which you have mentioned here and he is under the discipline of the Communist Party, will his teaching in the classroom be influenced by those beliefs which he has acquired, those doctrines with which he has been indoctrinated?

Dr. PATTEN. In most instances, I think he would be bound to be influenced. Now, I say in most instances, because if you are teaching straight Euclidean geometry, it might be difficult to give it such a class angle; but I would say, as a former teacher of literature, I was influenced to some extent in bringing in for my classroom pieces of literature which glorified the common man, and so on—which is fine and I am all for the common man—but I even said that Walt Whitman was the greatest American poet there ever was, and that never was my belief, and it still isn't.

He was capable of writing a lot of words and occasionally writing well, but he was not a stupendous poet, as I described him, but that was because he was a great pusher for the common man.

Mr. TAVENNER. This committee has had extensive hearings on the West Coast in the field of entertainment and, bit by bit, it finally ob-

tained information of the meeting of V. J. Jerome, the cultural head of the Communist Party, and certain important persons in the entertainment industry in Hollywood. At that meeting we were finally able to show that the position that was taken was that if you get into the field of screenwriters and they become dedicated Communists, it is bound to be reflected in the character of the work that they do.

Is that about the same thing that you are telling us here in the teaching profession?

Dr. PATTEN. If you are a Communist and you see an opportunity to sneak in a good punch in the right direction, you do it wherever you are. Again, I am speaking of the Communist Party when I got into it. I know nothing of it now; I don't even know that it still exists. I am being honest when I say I do not know anything about it.

There is another point that I might mention since I have told you of my skulduggery teaching. In fact, I will mention a little recruiting job that I carried on of making use of a classroom. The statute of limitations has long ago expired on this, and I do not think I have ever told many people about it because, after a while, I was not so proud of it.

When I was a teacher of workers education, I held a class in a little town in Snohomish County, Wash. It was not a town, it was a grain hall; and somewhere around some stump ranchers lived, small farmers, and they had a workers alliance organization because most of them were on WPA and belonged to the Workers Alliance.

I got them to sponsor a workers education class. I was paid by the Federal WPA and, at the time of an election, I used that class to bring in representatives of all political parties. I think I started with the representative of the Republican Party and had him come and speak one night, and the next week I had a Democrat, and I ended up the whole series with a representative from the Communist Party who was a particularly good speaker, and at the end of his talk he passed out application cards, and one of the biggest branches in the Communist Party in the whole State was formed right that night.

Mr. TAVENNER. You called the Communist speaker last?

Dr. PATTEN. Sure, you should call him last. You don't think I wanted them all to become Republicans. I do not know if that type of thing is being done very often. That is just one instance, though; nobody told me it was wrong.

Mr. TAVENNER. Your experience has not been entirely unique. There have been others who have had the same experience.

Dr. PATTEN. Wait a minute. Just a second, Mr. Tavenner. I do not want to reflect on any of my superiors in education or in WPA at that time, because I did not tell them in advance. I did not submit lesson plans to them for their approval, nor did I tell them after it was over what I had done. This was a course in economics, so I doubt if I could have gotten away with it if I had told them.

Mr. TAVENNER. I previously referred to the testimony of Dorothy Funn, a teacher in the State of New York who was solicited to become a member of the Communist Party by another teacher. She became a very effective member of the party. She rose, finally, to the position where she was on a lobbying committee in Washington for an organization, along with many others. There she carried on her Communist Party activities.

She left the Communist Party and she testified before this committee, and this is what she said about her teaching:

* * * you couldn't possibly be open to all of this propaganda at the time, believing in—believing that they were doing something that was really for the good of all, as well as for any group, without slanting your work in the classroom; and I'm sure that I did, as well as others.

Mr. CLARDY. It colored your thinking?

Mrs. FUNN. It colored your thinking completely, and I can look back now and think of some of my history classes. Although it was to 12- and 13-year-olds, I'm sure that I slanted it in line with Communist Party doctrine.

Mr. TAVENNER. Were you acquainted with Dr. Bella V. Dodd?

Dr. PATTEN. Yes; I met Dr. Dodd at a National Federation of Teachers meeting in 1937 at Madison, Wis. I saw her for a few days then and that is the only time I have seen her.

Mr. TAVENNER. Was the Communist Party as active in the National convention in their attempt to gain the position of influence and control as in the local groups?

Dr. PATTEN. Yes. We had several, I don't know how many, Communists at that convention. That was the only convention that I attended of the American Federation of Teachers, that one.

Mr. TAVENNER. Dr. Dodd was an organizer of the American Federation of Teachers and became its legislative representative. She later became a member of the Communist Party and she held many high positions in the Communist Party, but she left the Communist Party and she is now practicing law in the city of New York.

She testified before this committee as follows:

The Communist Party organized teachers in practically every high school.

She is speaking of New York—

and in most of the elementary schools, and where there were elementary schools in which we didn't have free members, then you would associate 3 or 4 of the public schools together and establish a geographical unit. So you would have a network of units which were called shop units, actually working within the school, and then sending representatives to the county, and then sending representatives to the city.

She testified that there were more than 1,500 teachers in the State of New York who were members of the Communist Party. She goes on to state in her testimony that you could not measure the effectiveness of their work by the numbers because of the energy with which they worked.

Mr. SCHERER. Did not Dr. Bella Dodd tell us, Mr. Tavenner, how these resolutions that this witness is telling us about were prepared in Communist Party headquarters, how telegrams that were addressed to public officials in different conventions were prepared in Communist Party headquarters and then sent out by this small group of Communists who had infiltrated the union?

Mr. TAVENNER. That is correct and that reminds me, Mr. Congressman, of testimony of the same character with regard to labor unions.

There, we discovered in connection with the activities of the labor union, the adoption of a certain resolution. A year or two later, through an investigation we were conducting—my recollection is either in San Diego or Los Angeles—we discovered that that resolution was read at Budapest over the air and disseminated to all of the

Iron Curtain countries as the expression of views of labor in this country, when it was actually prepared by the Communist Party. It is a type of insidious propaganda that I am talking about.

Dr. Dodd also said this:

The difficulty arises that when Communists take over a teachers' union they are not only interested in the economic welfare of the teachers but they begin to use the union for a political purpose, and that is where the real problem comes in because the Communists control the teachers' unions which they do infiltrate.

That is the thing we have been talking about.

Dr. Dodd then proceeded to tell the committee of the underlying purpose of the Communist Party as she understood it in the State of New York toward the teachers' union, and this is what she said:

The Communist Party is not interested in unions per se just to improve the working condition of the workers, and that includes the teachers as well as any other unions.

In quoting Lenin she said:

We are not interested in unions as reforming organizations, we are interested in unions as politicalizing institutions.

Then she gave at the close of her testimony very fine advice to teachers generally which I will not read, but in which she pointed out their responsibilities.

I have asked you these questions in order to point up the importance of the role of a teacher. You have told us of your own experiences. In giving your testimony on this subject, you indicated that you had a little knowledge of the actual operations of the Communists within the teachers' union here.

Am I correct in that?

Dr. PATTEN. Just a very little. At one time, over a period of a couple of months, I remember attending meetings of teachers who were Communists and members of the American Federation of Teachers for the purpose of trying to do something, putting something over within the local bureau of the American Federation of Teachers, and I do not remember in full what they were trying to put over.

At one point, I remember the question of the local support of the California Labor School was an issue, and we met to plan strategy in that connection. As I recall—and this is just going on my memory—but as I remember, the Central Labor Council was rather forcibly asking the AFL local to withdraw its support of the California Council.

It was advantageous to have as many unions as possible in support of it, and the Communists felt that the support of the American Federation of Teachers local was important or that the removal of that support would be harmful.

I do not know what the outcome of that was. I was unable to attend certain union meetings because of the hours they were held, so I did not know of the outcome.

Mr. TAVENNER. If I understand you correctly, the Communist members attempted to guide and direct the ultimate action in that case?

Dr. PATTEN. Yes, the officers were not members.

Mr. TAVENNER. Not members of what?

Dr. PATTEN. Not members of the Communist Party. The officers of the union were not.

Getting back to the national convention, we had meetings at night of the Communist members of the American Federation of Teachers at the Madison convention in 1937; the president, and so on, of the association, I am quite sure, were not members of the Communist Party, yet we met to decide who among us would take the floor on certain issues to speak on certain questions.

Mr. TAVENNER. Did you take the floor?

Dr. PATTEN. Yes; I took the floor in support of the magazine. The magazine, the national organ of the American Federation of Teachers was under attack and, as I remember it, it was pretty much in the hands—its editorial staff, I believe, pretty much was Local 5 in New York, and it was under attack by some other people throughout the country because of its left slant, and I got up and gave a pitch on behalf of preserving the editorial policies of the magazine. I think it was called the American Teacher.

I do not believe everything I said was true, but it was evidently effective because the magazine was left in the same hands for the next year.

Mr. TAVENNER. Was that a Communist Party plan that you should perform that duty?

Dr. PATTEN. Yes; it was decided in a meeting of the Communists the night before who should speak. Of course, we were getting people to speak against the resolution which was condemning the magazine, getting people from various parts of the country, and I was from the West Coast.

Mr. Tavenner, I want to say that I do not want anyone to feel that I think that everything we did was wrong. We supported a lot of good things, so just because we supported the war does not mean that the other side should have won, but there is always the question of the ultimate objective in the support of such aims.

I would venture to say that even today it would be probable that any good liberal cause that was started, say among a group of teachers or something, would find that it was getting support from Communists if they are following today substantially the same practices that they had before.

The last time that I had anything political to do, the effect was such that I learned to stop opening my mouth about liberal ideas that I had, because I collected too many friends that I did not want.

This may be contrary to the feeling which you have expressed before, that many people—liberal minded people, educators in particular—are afraid of expressing their liberal viewpoints because of the attacks which might be made upon them from the right and branding them as being Communists. That is not what I mean. I feel a fear of the support that I would get from the left. A good enough example of that was the loyalty oath case here in the State of California, particularly in the city of San Francisco.

I do not want to get off into that now, but it is a good example of what happens when a few people take a position, a liberal position, on something and are then pushed headlong into, or efforts are made by the Communists to push headlong into, the areas where they have no desire to tread.

Mr. TAVENNER. Those remarks give rise to my asking you this question: The committee has heard it indicated at times by witnesses who were not frank with the committee as to their own activities,

that there could be no harm in an individual joining a Communist Party cell in a community and engaging in work in the community which sometimes is of a very fine character and studying Marxist literature and things of that kind; that no harm can come of a thing of that kind.

What is your reaction to that sort of a situation? What would you say as to whether or not a person is performing an injury to his country by merely doing that?

Dr. PATTEN. A few months ago I told someone substantially that, someone who had known I had been a member of the Communist Party—I told someone a few months ago that I had been a member of the Communist Party, and I felt I did nothing wrong because everything that we supported at that time was fine and dandy, the war, social security, WPA, all of those things; higher wages, better working conditions were all honorable things to support, so I had the feeling that I had done nothing wrong.

But I thought further about this, and I think you can say that only if you will take any split second of time that a person is a member of the Communist Party at a given moment, he may not be contributing toward detrimentals to the United States Government or its people, but if you add it all together, he is contributing.

In the first place, if you are paying dues for the perpetuation which has as its ultimate objective the peaceful or violent overthrow of the present structure of our Government, I considered that that in itself was a contribution, merely paying dues and sitting physically in meetings; but a member is also used to influence many other people.

Maybe I never influenced anybody. I think my testimony thus far has been a little bit to the contrary. Maybe I have not influenced anybody toward doing anything wrong; but the mere fact that some people not in the party knew that I was, would bring them closer to the adherence to party principles.

Mr. SCHERER. You are trying to tell us, Doctor, that your position in the community in the field of education was such that you loaned your name and your prestige to the party? You do not have to be modest.

Dr. PATTEN. I would like to be modest. I do not have a whole lot of prestige, but I was probably having a little influence. The people, I think, who are used much more and are more to be pitied, are the people who are not in the Communist Party who have allowed their names from time to time to be used to sponsor some drive for peace which suited the Communist objectives and things like that.

Those people have suffered a great deal because the name is used first to support a committee for helping orphans, perhaps. Everybody wants to help orphans, but the next time it is a particular type of orphan. Before you are through, the names can be used in all sorts of different ways. I think you could probably list thousands of people in the United States who have been victims of this tactic and all of a sudden have awakened to find that they were supporting a paper organization, perhaps, which was taking a stand which they opposed and their name was already on the letterhead.

The CHAIRMAN. I think we will take a recess at this point.

(Brief recess.)

The CHAIRMAN. The committee will be in order, please.

You may proceed, Mr. Tavenner.

Mr. TAVENNER. Dr. Patten, the committee had before it in Los Angeles a witness by the name of Paul Orr. Are you acquainted with Paul Orr?

Dr. PATTEN. I am acquainted with the name. I don't know if I have ever met him.

Mr. TAVENNER. In the course of his testimony, I presented him with an article from the Daily People's World dated in September 1944. This article proceeded to give the names of the officers and certain committeemen who had been elected in 1944 to positions in the Communist Party here in San Francisco. Are you familiar with the publication of that article? I have the date there now. It was September 19.

Dr. PATTEN. I was not familiar with the date, but I am familiar with the article that you speak of.

Mr. TAVENNER. How did it happen that the Communist Party notified us through the pages of the People's World of the names of its officers and committeemen?

Dr. PATTEN. That was an error, a grievous error.

Mr. TAVENNER. A grievous error?

Dr. PATTEN. Yes. That is the only time, until this moment, that I have been exposed as a member of the Communist Party, through the People's World. I was elected to that committee along with the county committee, along with many other people whose names were proposed by someone higher up on the slate, and I think one name was added, or at least an effort was made to add someone from the floor. Whether it was accomplished or not, I do not know.

As I understood it, I was rather surprised, being an individual reader of the People's World—which I do not now read very religiously—I was very much surprised to see the list of all of the people who were elected to that. As I recall, at the time it was a full, true, and complete list of all the people who were elected; and I asked someone, and I was told that this was a mistake, that a partial list was prepared to turn over to the press of people who were known to be Communists who were operating in the open, but in editorial exuberance or reportorial exuberance, the representative of the People's World had put in the whole thing. Whether any mild form of liquidation followed that, I do not know. I took it as an accomplished fact and raised no further objection to it, although I know some people were unhappy at seeing their names listed.

Mr. TAVENNER. I am going to read those names to you as I have them here, and I would like you to tell the committee what you know about the Communist Party activities of those whose names are read and whether or not you personally know them to be members of the Communist Party, aside from the appearance of their names in this paper.

Dr. PATTEN. Before you do that, Mr. Tavenner, I wonder if I might say something briefly. Until this point, I have named two people—well, I mentioned that I knew Bella Dodd, but you are the one who named her. I have named two people; one was the woman who recruited me into the Communist Party, and the other is myself. Now, here you are beginning to give me a list—read names and you are asking me to identify them, which I will do, but I want to explain

to the committee why I am doing it. I am not doing it just for the pleasure of mentioning names. I am not doing it to injure anyone. If I am injuring Communist Party, that is fine, but I am not intending to injure any individual who was then a member of the Communist Party and is not now. The only point is this:

If there be such people on that list, and I identified them as being Communists, and they feel hurt by this, then they have an easy alternative which will cause them no harm, and that is to admit the correctness of it, to admit the error of their former ways, and to state to you, Mr. Wheeler—or whomsoever they choose in authority on this matter—to state that they are no longer of this opinion, of these beliefs, and they will have done themselves a decided benefit and also benefited this committee and other bodies of the Government which are seeking to stop Communist activities.

If they cannot do that, then I can only feel that they are still sympathetic with the Communist Party if they are unwilling to go through with it.

I am in an odd position here before this committee only because so many people have not been in this position. If a number of people in education alone throughout the United States who once were Communists and regret it, if all of those had come out and said so, the reaction would have been "That is interesting," and it would have been forgotten, because there would have been so many and some very outstanding people, I am sure, would be among them, who, for a brief period of time, were members of the Communist Party and who felt they were doing the right thing, but it is only because so many of those people have not that there is anything unique at all in my position.

Mr. TAVENNER. Doctor, there is nothing personal in our asking you to tell us whether a certain individual was known to you to be a member of the Communist Party. We cannot investigate the extent and character of Communist Party activities without knowing who were in the Communist Party and obtaining what knowledge they are willing to give us of the activities of the Communist Party and that is the only purpose for asking you those questions.

Dr. PATTEN. It is my understanding, particularly in view of references made earlier today to the most recent Supreme Court decision, it is my understanding that this committee is endeavoring to ascertain methods with which the Communist Party members have operated within other organizations and professions.

For me to speak theoretically alone and say they did this, they did that, and so on, is insufficient for me to speak of my own activity alone, which I am quite willing to do and have done so far, to illustrate points which I make, that is insufficient, because in some cases my own activity was not there where things were done.

Therefore, I have lied to you if I mentioned it. I am not intending, by the way, to use either the first or the fifth amendments.

Mr. TAVENNER. The article proceeds as follows:

"Officers elected for the ensuing year at yesterday's county convention of the Communist Political Association are:

"President, Oleta O'Connor Yates."

Dr. PATTEN. Oleta.

Mr. TAVENNER. Oleta O'Connor Yates. Were you personally acquainted with her?

Dr. PATTEN. Yes.

Mr. TAVENNER. You knew her to be a member?

Dr. PATTEN. I knew her to be a member and I knew her to be a Communist before and after.

Mr. TAVENNER. "Vice presidents, Rudie Lambert and John Pittman."

Dr. PATTEN. I knew them both. Rudie Lambert worked in the office of the Communist Party. I believe that was his sole activity at that time I knew him although he may during the war have had some other job.

John Pittman was writer for, and later editor of, the People's World.

Mr. TAVENNER. "Secretary-treasurer, Clemmie Barry."

Dr. PATTEN. I know Barry and when I knew her, she worked for the People's World.

Mr. TAVENNER. "County Committee, including officers above: Charlotte Callahan."

Dr. PATTEN. I recall the name only. I don't know whether I would recognize the person were I to see her.

Mr. TAVENNER. "June Stevenson."

Dr. PATTEN. No. I say "No" as far as remembering the person.

Mr. TAVENNER. The next name appearing here is "Jack Patton."

Dr. PATTEN. That is where they had me confused with the gentleman. That is I. I saw in the misspelling the possibility at the time of denying it, but that was my name.

Mr. TAVENNER. "Henry Massey."

Dr. PATTEN. I don't know him.

Mr. TAVENNER. "Violet Orr."

Dr. PATTEN. There again I could not be sure that I could identify Violet Orr if I saw her or if I saw a picture of her as she was then. I merely remember the name as being one that was quite frequently referred to.

Mr. TAVENNER. "Ray Irvine."

Dr. PATTEN. No.

Mr. TAVENNER. "Archie Brown." There appears after that name in parentheses, "on leave to the armed forces."

Dr. PATTEN. I knew him. I have heard him speak at meetings, open and closed. He was at one time State chairman of the Communist Party, I believe; but, of course, as you indicated there, he was in the Army at that time and hence was on leave from Communist duties in San Francisco.

Mr. SCHERER. Did I not understand you to say that when this list was covered in the People's World, it was a correct and accurate list of the officers who had been elected at that convention?

Dr. PATTEN. I knew at the time that it was and so, undoubtedly, knew these people, but I wanted to be absolutely truthful and where I do not remember I am saying so.

Mr. TAVENNER. "Ann Stout."

Dr. PATTEN. I remember her appearance there but I have no idea what her activities were other than that.

Mr. TAVENNER. "Virginia Lindbergh."

Dr. PATTEN. I would give the same reply there. I remember her.

Mr. TAVENNER. "Ernest Lavino."

Dr. PATTEN. No, that means nothing to me.

Mr. TAVENNER. "Herbert Resner."

Dr. PATTEN. Yes; I knew him. He was an attorney here in San Francisco.

Mr. TAVENNER. He was a member of the county committee with you?

Dr. PATTEN. Yes.

Mr. TAVENNER. Can you recall any of his activities on the county committee with you?

Dr. PATTEN. No. I can recall his presence, but this was a deliberative body, that is, we sat along a long table in the party office and discussed various plans of recruiting within the county and other activities, and reports from certain people, and so on, so I do not recall any activity which he undertook as a member of that committee, other than his presence. He is quite well known as an attorney, however.

Mr. TAVENNER. "Jackie McNeil."

Dr. PATTEN. No, I can not identify him.

Mr. TAVENNER. "Tom Boylan."

Dr. PATTEN. I do not believe I could identify him.

Mr. TAVENNER. "Walter Stack."

Dr. PATTEN. Yes, I knew him first in Seattle and later I knew him down here. He was here as a Communist. I believe he was once a seaman. I am not sure on that, nor do I know what he was doing here, what occupation he followed.

Mr. TAVENNER. "Paul Orr."

Dr. PATTEN. No; there again it is just a name.

Mr. TAVENNER. "Ada S-m-o-l-a-n."

Dr. PATTEN. Yes, I recall her; and she, at some time when I knew her, worked in the Communist Party office, whether for pay or devotion, I do not know.

Mr. TAVENNER. "Dan M-a-h."

Dr. PATTEN. Yes; I recall him. He is a Chinese-American. I do not know his occupation. I know he was active in the committee and so on.

Mr. TAVENNER. "Beatrice Kinkead."

Dr. PATTEN. I did not know her as a member of the committee. I met her socially either before or after, but I did not know her as a member of the Communist Party.

Mr. TAVENNER. "Mack P-o-s-e-y."

Dr. PATTEN. Yes, I recall him, but I cannot tell you anything more about him.

Mr. TAVENNER. When you say you recall him, what do you mean?

Dr. PATTEN. When I say I can recall him, I can make a picture in my head of such a person. In other words, I can recall what the person looked like, so to that extent I know him. If you asked me to actually recall Mr. Posey's sitting in the county committee meeting with me, I cannot.

Mr. TAVENNER. "Harvey Richards."

Dr. PATTEN. Yes; I recall him. There are some people I can recall seeing at the county committee meeting and he is one.

Mr. TAVENNER. He is one you can recall?

Dr. PATTEN. Yes.

Mr. TAVENNER. Can you tell us anything else about Harvey Richards?

Dr. PATTEN. I don't believe I can.

Mr. TAVENNER. "Leon Kaplan."

Dr. PATTEN. Yes; I remember him quite well as a member of the committee. He was concerned with activities within the labor unions at that time. I halfway recall that he was the party director of trade-union activities, but I could be mistaken on that. I do remember his discussing union affairs at the county committee meeting.

Mr. TAVENNER. "Margery Pogue," P-o-g-u-e.

Dr. PATTEN. Yes. She was secretary in private employment at least some of the time when I knew her. I recall her presence at the county committee meetings.

Mr. TAVENNER. "M-i-n-i Carson."

Dr. PATTEN. Yes; I think she worked at the People's World also, if I am not mistaken. I knew her as a member of the committee. I have seen her in party activities.

Mr. TAVENNER. "Al Yates."

Dr. PATTEN. He was the husband of Oleta O'Connor Yates. I think he was a plumber, or something like that, and I remember him as a member of the county committee and as a member of the party.

Mr. TAVENNER. "Bill F-r-i-e-r-s-o-n."

Dr. PATTEN. Yes; I knew him well. I talked with him many times and I knew him as a member of the committee.

Mr. TAVENNER. "Lucy B-a-l-c-o-m-b."

Dr. PATTEN. She was, some time when I knew her, office secretary in one of the party offices in the State or county. I knew her as a member of the committee.

Mr. TAVENNER. "Henry Seigel."

Dr. PATTEN. I recall previous to that time meeting with him. It seems to me that when I got active in the Communist Party here in San Francisco that I took over a job that he had been running of collecting dues, or something of that sort. I think he was collecting dues. Now whether he was being relieved of that task to do something else, I don't know.

Mr. TAVENNER. I am going to ask you if you were acquainted with 1 or 2 persons who were in the teaching profession. Were you acquainted with Ned H-a-n-c-h-e-t-t?

Dr. PATTEN. Yes.

Mr. TAVENNER. He was a member of the teaching profession?

Dr. PATTEN. He was a member of the Communist Party and he taught at that time, at the time I knew him, in South San Francisco somewhere.

Mr. TAVENNER. Were you acquainted with John Horowitz, H-o-r-o-w-i-t-z?

Dr. PATTEN. Yes. He was a teacher when I was at City College, and he was there.

Mr. TAVENNER. Was he known to you to be a member of the Communist Party?

Dr. PATTEN. Yes, although he was not too active. He did not attend meetings the way he should have all the time, and it worried us.

Mr. TAVENNER. Were you acquainted with Jane Scribner?

Dr. PATTEN. Yes, she was also a teacher at City College when I was there and she was also a member of the Communist Party, and she and John at sometimes were members of the same branch that I was a member of.

Mr. TAVENNER. Mr. Chairman, I believe that is all I desire to ask this witness at this time.

The CHAIRMAN. All right, the witness is excused.

You may call your next witness.

Mr. TAVENNER. Mr. Ned Hanchett, Edward L. Hanchett.

The CHAIRMAN. Will you raise your right hand.

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. HANCHETT. I do.

The CHAIRMAN. You may proceed, Counsel.

**TESTIMONY OF EDWARD L. HANCHETT, ACCOMPANIED BY
COUNSEL, LAWRENCE SPEISER**

Mr. TAVENNER. Will you state your name, please, sir.

Mr. HANCHETT. My name is Edward L. H-a-n-c-h-e-t-t.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record.

Mr. SPEISER. Lawrence Speiser, attorney at law, San Francisco, Calif.

Mr. TAVENNER. When and where were you born, Mr. Hanchett?

Mr. HANCHETT. Santa Tora, Calif., May 13, 1912.

Mr. TAVENNER. Where do you now reside?

Mr. HANCHETT. In Mill Valley.

Mr. TAVENNER. How long have you lived in the State of California?

Mr. HANCHETT. All my life.

Mr. TAVENNER. What is your profession or occupation?

Mr. HANCHETT. I am a schoolteacher.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been for the practice of your profession?

Mr. HANCHETT. Yes, I will. I graduated from San Francisco State College in 1935 with a bachelor of arts degree in education. I attended the University of California with graduate work during 1946 and 1947 and briefly in San Francisco State College, which I believe was from 1948 and up, 1948 and 1949.

Mr. TAVENNER. Will you tell the committee, please, where you have practiced your profession?

Mr. HANCHETT. Yes. In 1935 to 1937 in San Bernardino College; in elementary, in 1935 to 1939: Santa Cruz County Elementary, teacher and principal, 1939 to 1942; junior high school teacher, Monterey County, 1943 and 1944; 1 year, I think. In South San Francisco High School, 1947; and high school in South San Francisco, 1948 to 1950; high in San Francisco, 1957; from February to the present time, teacher, at Marinwood Elementary School.

Mr. TAVENNER. I have been gratified to see from an issue of the press, the Examiner, of Tuesday, January 22, 1957, that although you had not taught since 1950 because of your refusal to sign the loyalty oath, you had indicated that you were then willing to sign such an oath.

Mr. HANCHETT. That is correct.

Mr. TAVENNER. Will you tell the committee whether or not, at the time of your indication that you were willing to sign this oath, you had left the Communist Party, and were no longer a member of it?

Mr. HANCHETT. I wish to say, Mr. Tavenner and Mr. Chairman, that I am not now a member of the Communist Party, nor have I been since 1951.

Mr. TAVENNER. What date?

Mr. HANCHETT. 1951. However, I should like to state that with respect to any questions concerning any prior period to that date, I must respectfully refuse to answer on the following grounds:

First of all, the first amendment prohibits Congress from passing any laws infringing on freedom of speech. The mandate of this committee is unconstitutional in authorizing it to investigate into an area in which the Constitution forbids it to legislate.

Second, questions asked of me concerning my political beliefs or associations abridge my right of freedom of speech and assembly protected by the first amendment.

Third, the inquiry of the committee and the purpose of this hearing are not for any valid legislative purpose under Article I of the Constitution.

The CHAIRMAN. You did not hear the statement made of the purpose of the hearing this morning, did you?

Mr. HANCHETT. I did, and I shall rest on the statements I am now making.

They are solely to expose myself and others to publicity and ridicule and for the mere sake of exposure.

Fourth, this committee's summoning of me is for the purpose of placing me on trial without any of the rights guaranteed me by the fifth and sixth amendments, which accord me the right to notice of any charges, the effective aid of counsel, right of cross-examination, and the presumption of innocence.

Fifth, this committee's inquiry infringes on the rights retained by the people and the States under the 9th and 10th amendments.

Sixth, this hearing and this committee's inquiries are unconstitutional infringements by the legislature into the jurisdiction of the judiciary, which has the sole power to place me on trial and inquire into my personal conduct, or associational activity.

Seventh, under the fifth amendment I cannot be compelled to be a witness against myself.

I must respectfully decline to answer that question upon all the grounds previously stated.

Mr. TAVENNER. You have made a very long statement as to why you will not answer other questions.

My question to you was whether or not you were a member of the Communist Party at the date of the publication of the article that I referred to. I am not sure that you answered.

Mr. HANCHETT. Indeed I have.

Mr. TAVENNER. You answered it, but then the rest of your statement was in relation to questions you think I am going to ask.

Mr. HANCHETT. That is correct.

Mr. TAVENNER. Well, now, let's come down to some specific questions.

You stated that you had not been a member of the Communist Party since 1951. Have you any knowledge of Communist Party activities on the part of any individual in the field of education since 1951, during the period you have not been a member of the Communist Party?

Mr. HANCHETT. I do not.

Mr. TAVENNER. Is that because you had no connection with the Communist Party yourself?

Mr. HANCHETT. That is correct.

Mr. TAVENNER. Will you tell the committee, please, what type of activity the Communist Party was interested in with teachers prior to 1951?

Mr. HANCHETT. Excuse me. I respectfully refuse to answer this question on all the grounds previously stated.

The CHAIRMAN. What criminal prosecution do you think could be lodged against you for anything that you did before 1951?

Mr. HANCHETT. Mr. Chairman, it is not up to me to justify my use of any of the rights given to me as an American.

The CHAIRMAN. That is true, but it is the duty of every American to contribute as much as he can toward the preservation of this great Republic. It seems to me you would be very anxious to tell this committee what the objectives of the Communist Party were during the period I think you were a member.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. Will you tell us whether or not you refused to sign a loyalty oath at the school in which you were employed as a teacher?

Mr. HANCHETT. I did.

Mr. TAVENNER. What was the date?

Mr. HANCHETT. 1950.

Mr. TAVENNER. 1950?

Mr. HANCHETT. That is correct.

Mr. TAVENNER. What school was that at which you taught at the time?

Mr. HANCHETT. The High School of Commerce, San Francisco.

Mr. TAVENNER. It is noted that within the short period from 1950 to 1951 that your answers are quite different or changed quite a bit. What occurred between 1950 and 1951 which permits you now to say that you are not a member of the Communist Party and prior to 1951 you will not tell us anything about it? Did something occur?

Mr. HANCHETT. For one thing, sir, the oath which I refused to sign did not mention the Communist Party. It referred to organizations which advocated the overthrow of the Government by force.

The CHAIRMAN. You do not think the object of the Communist Party is anything else but that?

Mr. HANCHETT. I have never belonged to any organization that advocated the overthrow of the Government by force.

The CHAIRMAN. Did you ever belong to the Communist Party?

Mr. HANCHETT. I answered your question previously by making a statement.

Mr. TAVENNER. That is, that you refuse to answer.

Mr. HANCHETT. That is correct.

Mr. TAVENNER. At the time that you arrived at the decision not to sign the oath requested of you, or required of you, did you consult the leadership of the Communist Party in San Francisco as to what action you should take?

Mr. HANCHETT. No, I did not.

Mr. TAVENNER. Did you become a member of an organization known as the Joint Action Council for Repeal of the Levering Act which opposed the loyalty oath requirement?

Mr. HANCHETT. Not to my knowledge I did not, sir.

Mr. TAVENNER. Do you know of any Communist Party activity within any group organized to oppose the signing of loyalty oaths?

Mr. HANCHETT. No, I do not.

Mr. TAVENNER. You began teaching in——

Mr. SCHERER. Let me interrupt.

Witness, did you withdraw from the Communist Party so you could sign that loyalty oath without committing perjury? Is that your reason?

Mr. HANCHETT. Mr. Scherer, I believe you are assuming something that is not in evidence here.

Mr. SCHERER. Is my assumption correct or untrue?

Mr. HANCHETT. I shall have to refuse to answer that question.

Mr. SCHERER. I put it to you as a matter of fact and ask you to affirm or deny that you withdrew from the Communist Party so that you could sign the loyalty oath.

Mr. HANCHETT. Mr. Scherer, this committee, in my mind, is a committee supposed to find out the facts and not base anything on assumptions.

The CHAIRMAN. That is what we are trying to do.

Mr. SCHERER. I ask that you direct the witness to answer that question.

The CHAIRMAN. I direct you to answer that question.

Mr. HANCHETT. I refuse to answer on the grounds previously stated.

The CHAIRMAN. That means you are invoking the fifth amendment?

Mr. HANCHETT. I am relying on all of the objections I previously mentioned.

Mr. TAVENNER. You stated that the Congressman was predicating his question to you upon an assumption which was not in evidence here regarding your Communist Party membership. You were present, weren't you, when Dr. Patten testified a few minutes ago?

Mr. HANCHETT. Yes, I was.

Mr. TAVENNER. Dr. Patten testified that you were a member of the Communist Party to his knowledge, so it is a matter that is in evidence; and what I am trying to ask you is to give this committee the benefit of such knowledge you have acquired while a member of the Communist Party, if you were a member; if you were not a member, then say so. So let me ask you: Were you a member of the Communist Party at any time between 1943 and 1948?

Mr. HANCHETT. I refuse to answer on the grounds previously stated.

Mr. SCHERER. Was Dr. Patten telling the truth when he told the committee you were a member of the Communist Party or was he lying?

Mr. HANCHETT. The best vehicle for determining the truth is cross-examination, and I should like to request that my attorney be given the right to cross-examine this witness.

Mr. SCHERER. I ask you to direct the witness to answer the question, was Dr. Patten lying or telling the truth?

The CHAIRMAN. You are directed to answer that question.

Mr. HANCHETT. I shall refuse to answer on the grounds previously given.

Mr. TAVENNER. You are a member of the teachers' union now?

Mr. HANCHETT. No, I am not.

Mr. TAVENNER. Were you a member of the teachers' union prior to 1950?

Mr. HANCHETT. Yes, I was.

Mr. TAVENNER. Over what period of time were you a member?

Mr. HANCHETT. Intermittently from 1937 to 1951.

Mr. TAVENNER. Were you the recipient of any office in the teachers' union?

Mr. HANCHETT. Yes; at one time I held the vice presidency in San Francisco.

Mr. TAVENNER. During what period of time?

Mr. HANCHETT. I think it was about 1947.

Mr. TAVENNER. At the time you were a vice president, were you a member of the Communist Party?

Mr. HANCHETT. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Were there other members of the teaching profession in the Federation of Teachers who were known to you to be members of the Communist Party?

Mr. HANCHETT. I did not know any such people.

Mr. TAVENNER. I am not sure that you understood my question. Were there any members of the teachers' union who were known to you to be members of the Communist Party?

Mr. HANCHETT. I understood your question, and my answer was that I did not know such persons.

Mr. TAVENNER. Did you participate in any meeting of the Communist Party at which the problems of the teachers' union were discussed?

Mr. HANCHETT. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Did you participate in the activities of the California Labor School prior to 1950?

Mr. HANCHETT. I refuse to answer on the ground previously stated.

Mr. TAVENNER. I have here before me a copy of the catalog for the year 1948 in which you are listed as a teacher of physics at that school. Did you teach at that school the subject of physics or any other subject during the year 1948 or any other year?

Mr. HANCHETT. I refuse to answer on the grounds previously stated.

Mr. SCHERER. Is that catalog in error in reporting you as such a teacher?

Mr. HANCHETT. That question I also refuse to answer.

Mr. TAVENNER. Will you tell the committee, if you know, what the numerical strength of the Professional Section of the Communist Party was in San Francisco in 1950 and 1951?

Mr. HANCHETT. I don't know, sir.

Mr. TAVENNER. Will you tell the committee what the approximate size in numbers was of any group or cell of the Professional Section?

Mr. HANCHETT. I do not know.

Mr. TAVENNER. Were you a member of the Professional Section of the Communist Party in San Francisco?

Mr. HANCHETT. May I request the pertinency of this question, sir?

Mr. TAVENNER. Yes. The pertinency of the question is the subject that we are discussing, which is the strength and the extent of activities of the Communist Party within the professions in the city of San Francisco. For such bearing as it would have on the knowledge that the

committee seeks with reference to the need for legislation, looking possibly toward the doing away with the Communist Party and making it a violation of the law, the very existence of the Communist Party, as such.

If you were to answer the question asked, the committee, of course, would inquire further as to your knowledge of Communist Party activities in the cell about which we are inquiring. Therefore, it is important for the committee to have an answer to your question, both as preparatory to other questions and for the purpose of understanding better the constitution of that group.

Mr. SCHERER. You did not expect him to answer that, Mr. Tavenner, did you, after stating the pertinency?

Mr. HANCHETT. Would any further questions you might have, Mr. Tavenner, involve a request for me to name the names of other people?

Mr. TAVENNER. Yes, I am not going to make terms with you or any other witness as to what questions I would ask as a bargain for your answering any question that I propose.

Mr. HANCHETT. Then, on that basis, I must respectfully refuse to answer on the ground previously stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Yes, I do have one other question.

Why did you leave the Communist Party?

Mr. HANCHETT. I must refuse to answer that question on the grounds previously stated.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. TAVENNER. John Horowitz.

The CHAIRMAN. Mr. Horowitz, will you raise your right hand, please.

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HOROWITZ. I do.

Mr. SPEISER. May I request that this witness not be televised, at his request.

The CHAIRMAN. The television sets will be shut off.

Proceed, Mr. Tavenner.

TESTIMONY OF JOHN HOROWITZ, ACCOMPANIED BY COUNSEL, LAWRENCE SPEISER

Mr. TAVENNER. What is your name, please?

Mr. HOROWITZ. John H-o-r-o-w-i-t-z.

Mr. TAVENNER. It is noted that the same counsel accompanies this witness as the previous witness.

When and where were you born?

Mr. HOROWITZ. In New York City, 1906.

Mr. TAVENNER. Where do you now reside?

Mr. HOROWITZ. In San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mr. HOROWITZ. Since about 1937.

Mr. TAVENNER. What is your profession or occupation?

Mr. HOROWITZ. I was a teacher but I have not taught for the last year and a half except private tutoring.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been for your profession?

Mr. HOROWITZ. I received my bachelor of arts degree at UCLA in 1927, my master of arts at Harvard in 1939, and I attended the University of California as a teaching psychologist from 1931 to 1933.

Mr. TAVENNER. Where have you taught besides the State of California?

Mr. HOROWITZ. Nowhere.

Mr. TAVENNER. When did you begin teaching in California?

Mr. HOROWITZ. I began the teaching fellow at the University of California at Berkeley in 1931.

Mr. TAVENNER. How long did you remain there?

Mr. HOROWITZ. For 2 years, from 1931 to 1933.

Mr. TAVENNER. Where have you taught since that time?

Mr. HOROWITZ. I have taught, for remuneration, at the University of California, the extension division, from about 1934 to 1937; the City College of San Francisco from 1935 to 1950; the Drew School from 1951 to 1956.

Mr. TAVENNER. I notice that you stated, as you were enumerating places, that you taught for remuneration. Were there any places at which you taught that were not for remuneration?

Mr. HOROWITZ. I refuse to answer that question and similar questions on the following grounds:

Questions put to witnesses concerning beliefs and expressions or associations infringe upon their rights of freedom of speech and assembly—

The CHAIRMAN. Let me interrupt you here. Here you have not been asked anything at all about your beliefs. You were merely asked about where you taught and not about your beliefs. This is not a responsive answer. Answer the question, Where did you teach?

Mr. HOROWITZ. I refuse to answer on the basis of the first and fifth amendments.

The CHAIRMAN. All right, go ahead, Mr. Tavenner.

Mr. TAVENNER. Mr. Horowitz, we have been inquiring about the organization and activities of professional groups of the Communist Party within this general area. Were you at any time an educational director of a branch of the Professional Section of the Communist Party?

Mr. HOROWITZ. I refuse to answer on the grounds previously stated.

Mr. TAVENNER. Are you in a position to advise the committee of the activities of professional groups in the Communist Party as of today?

Mr. HOROWITZ. I refuse to answer on the ground previously stated.

Mr. TAVENNER. During the period that you were a teacher as you described, were you a member of the teachers' union?

Mr. HOROWITZ. I refuse to answer on the grounds previously stated.

Mr. SCHERER. I ask that you direct the witness to answer the question.

The CHAIRMAN. Yes. You are directed to answer that question.

Mr. HOROWITZ. Pardon?

The CHAIRMAN. You are directed to answer that question.

Mr. HOROWITZ. Was I a member of the teachers' union?

The CHAIRMAN. Yes.

Mr. HOROWITZ. May I consult my attorney?

The CHAIRMAN. Yes.

Mr. HOROWITZ. Yes, I was a member of the teachers' union.

Mr. TAVENNER. Over what period of time?

Mr. HOROWITZ. Approximately from 1937 to 1940 and sporadically after that.

Mr. TAVENNER. What do you mean by "sporadically?"

Mr. HOROWITZ. I was for a short period, I believe, in 1950.

Mr. TAVENNER. Were you also for a period in 1948?

Mr. HOROWITZ. Not that I recall.

Mr. TAVENNER. What local of the teachers' union was it of which you were a member?

Mr. HOROWITZ. I believe it was Local No. 31 in San Francisco.

Mr. TAVENNER. Where is that located generally?

Mr. HOROWITZ. It met at the time I was associated with it, it met at various public schools and the Public Health Building.

Mr. TAVENNER. How many locals were there at that time in San Francisco?

Mr. HOROWITZ. As far as I know, that was the only one.

Mr. TAVENNER. Will you tell us please whether Mr. Ned Hanchett was vice president of it at a time when you were a member?

Mr. HOROWITZ. Not when I was a member.

Mr. TAVENNER. Was he a member of that local while you were a member?

Mr. HOROWITZ. May I consult my attorney?

I claim the privilege of the first and fifth amendments on that question.

Mr. TAVENNER. That is difficult to understand in view of your response to my first question. You said he was not vice president, that you could recall, while you were a member; and I asked you whether he was a member of it, and you claimed the first and fifth amendment. That is not logical certainly.

Why is it that you deny knowledge of his vice presidency and you refuse to testify whether he was a member? What is your reason for that? What is the basis of that?

Mr. HOROWITZ. I will stand on my claim.

Mr. TAVENNER. Is it because you suddenly realized that Mr. Hanchett has testified earlier that he did not know anybody else in the teachers' union who was a member of the Communist Party? Isn't that the reason that you suddenly changed your line of answering to my questions?

Mr. HOROWITZ. I claim the privilege.

The CHAIRMAN. By that you mean you invoke the fifth amendment?

Mr. HOROWITZ. The first and fifth amendments.

Mr. TAVENNER. Did you know any members of your local who were also members of the Communist Party?

Mr. HOROWITZ. I invoke the first and fifth amendments.

Mr. TAVENNER. Will you tell the committee what it was the Communist Party was attempting to do with regard to the teachers' union in San Francisco, if anything?

Mr. HOROWITZ. I invoke the first and fifth amendments.

Mr. TAVENNER. How many cells of the Professional Section of the Communist Party were there in San Francisco?

Mr. HOROWITZ. I invoke the first and fifth amendments.

Mr. TAVENNER. What cell was it that you were a member of, if any?

Mr. HOROWITZ. I invoke the first and fifth amendments.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. HOROWITZ. I invoke the first and fifth amendments.

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. TAVENNER. Jane Scribner.

The CHAIRMAN. Will you raise your right hand, please.

Do you swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss SCRIBNER. I do.

TESTIMONY OF JANE SCRIBNER, ACCOMPANIED BY COUNSEL, WILLIAM COLLINS

Mr. TAVENNER. What is your name, please?

Miss SCRIBNER. Jane Scribner.

Mr. TAVENNER. Spell your last name, please.

Miss SCRIBNER. S-c-r-i-b-n-e-r.

Mr. TAVENNER. It is noted that you are accompanied by counsel.

Mr. Counsel, please identify yourself for the record.

Mr. COLLINS. William Collins, attorney, member of the California State Bar and the San Francisco Bar Association.

Mr. TAVENNER. Are you a native of California?

Miss SCRIBNER. I am.

Mr. TAVENNER. Where do you now reside?

Miss SCRIBNER. Sausalito, Calif.

Mr. TAVENNER. Have you lived in California all your life?

Miss SCRIBNER. I have with the exception of a brief period during my schooling as an undergraduate in Cambridge, Mass.

Mr. TAVENNER. What is your profession or occupation?

Miss SCRIBNER. Medical secretary.

Mr. TAVENNER. Medical secretary?

Miss SCRIBNER. That is right.

Mr. TAVENNER. Have you practiced any other profession or trade?

Miss SCRIBNER. I have been a teacher and a bacteriologist.

Mr. TAVENNER. Over what period of time were you a teacher?

Miss SCRIBNER. The major time was the fall of 1941 to November of 1950, plus some additional time during approximately 1935 or 1936 as a teaching assistant at the University of California.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been in preparation for the teaching profession?

Miss SCRIBNER. I received the bachelor of arts degree from Radcliffe College in Cambridge, Mass., in 1933. The doctor of philosophy degree from the University of California, granted in 1937.

Mr. TAVENNER. What teaching assignments have you had in the State of California?

Miss SCRIBNER. My appointment as a teacher, as I mentioned, was at City College in 1941 until 1950, with the exception that I noted as a teaching assistant.

Mr. TAVENNER. What was the reason for terminating your teaching experience?

MISS SCRIBNER. I resigned my teaching position.

MR. TAVENNER. What was the date of your resignation?

MISS SCRIBNER. It is difficult for me to give the exact date. It was approximately a year after November 1950, or thereabouts.

MR. TAVENNER. Will you tell the committee, please, whether prior to your resignation in 1950 you were in a position to have knowledge of the activities of the Communist Party within the professionals in the city of San Francisco?

MISS SCRIBNER. I object to the question and also to this hearing on each and all of the following grounds, and there are four grounds:

1. The subpoena served on me, the committee's authorizing resolution, and also the subject of this investigation as announced in the oral opening statement to the committee do not define its authority and do not inform me of the nature, purpose, extent, and limitation of this hearing or of the matters to which I am to testify, or inform me of the nature and cause of any accusation which has been brought against me, or give me a reasonable period of time within which to answer any such accusation, but placed me on trial and deprives me of the right to being confronted with witnesses against me, of the right to cross-examination, of the presumption of innocence, and of the right to the effective assistance of counsel for my defense.

Each and all of which said things deprive me of the due process of law guaranteed to me by the fifth amendment of the Constitution of the United States and of the rights guaranteed to me by the sixth amendment of the Constitution of the United States.

THE CHAIRMAN. Let's get the record straight. You are not charged with anything and no one is charged with anything. We do not conduct a trial. This is a congressional inquiry.

MISS SCRIBNER. I am making a statement of my objections to the question.

2. It is an attempt to inquire into private affairs unrelated to a valid legislative purpose and exceeds the power lodged in Congress by Article I of the Constitution and constitutes an unlawful exercise of the exclusive power lodged in the judiciary by Article III of the Constitution, and of law enforcement power lodged exclusively in the executive by Article II of the Constitution, and it also denies and disparages rights retained by the people as guaranteed by the ninth amendment of the Constitution, and also usurps the power reserved to the States or to the people by the tenth amendment of the Constitution.

3. It is an unlawful attempt to compel me to divulge information concerning my political beliefs, opinions, and activities and associations, and those of other persons, and to cause injurious publicity to me and to them, and to expose me and them to public contempt, hatred, and ridicule in violation of the power lodged in Congress by Article I of the Constitution.

4. It constitutes an abridgment of the freedom of the speech and expression and of the freedom of the press and of peaceable assembly and association guaranteed to me by the first amendment of the Constitution.

MR. TAVENNER. May I have a direction that the witness answer the question?

THE CHAIRMAN. You are directed to answer the question.

MISS SCRIBNER. May I ask for a repetition of the question?

The CHAIRMAN. Read the question, please.

Miss SCRIBNER. May I——

The CHAIRMAN. What did you think you were answering when you read that piece of paper? May I ask what question you thought you were answering?

Miss SCRIBNER. Yes; I asked for a repetition of the question.

The CHAIRMAN. You gave a rather lengthy answer to something, and I just wondered what you thought you were answering.

Will you read the question, please.

(Question read by the reporter.)

Miss SCRIBNER. I decline to answer the question on each and all of the grounds I previously stated as grounds of my objections to the question and to this hearing, and also on the additional ground that I cannot be compelled to be a witness against myself in violation of the provisions of the fifth amendment of the Constitution of the United States.

Mr. TAVENNER. Do you contend, honestly, that to answer that question truthfully might tend to incriminate you?

Miss SCRIBNER. The committee has no authority to cross-examine me on the claimed privilege. It is an interference with judicial powers.

Mr. SCHERER. The courts have said that if there is a question whether you invoke the fifth amendment properly or in good faith, we must ask whether you honestly believe that to answer the question may tend to incriminate you, so we are following out the mandate of the court when we ask you whether to honestly answer the question might tend to incriminate you, so we do have a right and a duty to ask that question.

Miss SCRIBNER. I shall consult my attorney.

Mr. SCHERER. In fact, the courts say you must answer "Yes" or "No" to that question, otherwise you might place yourself in contempt.

Miss SCRIBNER. I asserted my privilege under the fifth amendment and I am relying on that claimed privilege.

Mr. TAVENNER. Will you tell the committee, please, whether or not you have been in a position to have knowledge of activities of the professional cell of the Communist Party at any time since 1950, that is, professional cells in the city of San Francisco?

Miss SCRIBNER. I have no knowledge of that.

Mr. TAVENNER. Since 1950?

Miss SCRIBNER. That is correct.

Mr. TAVENNER. What is the reason for your answering my question as to the period of time since 1950 and a refusal to answer the identical question prior to 1950?

Miss SCRIBNER. I decline to answer the question on each and all of the previously stated grounds of my objections to questions and as grounds previously stated for my reasons for refusing to answer questions.

Mr. TAVENNER. Am I correct in assuming, in light of your testimony, that you have no information regarding the activities of the Communist Party within the professionals in San Francisco since 1950 because you have not been a member of the Communist Party since 1950?

Miss SCRIBNER. I am not a member of the Communist Party, and I was not a member of the Communist Party in 1950.

The CHAIRMAN. Since 1950?

Miss SCRIBNER. I was not a member in 1950.

Mr. TAVENNER. Have you been a member of the Communist Party between 1950 and the present date?

Miss SCRIBNER. I object to the question and also to this hearing on each and all of the grounds previously stated as announced to my objections and grounds to questions asked at this hearing.

Mr. SCHERER. I ask the chairman to direct the witness to answer the question.

The CHAIRMAN. You are directed to answer that question.

Miss SCRIBNER. I decline to answer the question on each and all of the grounds previously stated as grounds of my objections to questions, and as grounds previously stated for my refusal to answer questions.

The CHAIRMAN. Including the fifth amendment, of course?

Miss SCRIBNER. The grounds included that.

Mr. TAVENNER. This is really a strange situation. You say you are not a member of the Communist Party now, and you were not a member in 1950, and you will not testify prior to 1950 and you will not testify to the period between 1950 and the present time. It is necessary to analyze that a little bit further. For what period of time was it, beginning in 1950, that you were not a member of the Communist Party?

Miss SCRIBNER. Since there appears to be some confusion in this matter, on the date in 1950 at which date shortly thereafter I resigned my teaching position, I shall state that I am not a member of the Communist Party now and was not from January of 1948.

Mr. TAVENNER. Have not been since January 1948?

Miss SCRIBNER. That is correct.

Mr. TAVENNER. Thank you very much for clearing that up.

Mr. COLLINS. I think she wishes to include the prior questions with respect to 1948.

Mr. TAVENNER. You may proceed with any explanation you desire to make.

Miss SCRIBNER. I am not now a member of the Communist Party.

Mr. TAVENNER. We understood that.

Miss SCRIBNER. And I have not been at any time since January 1, 1948.

Mr. TAVENNER. Yes; we have understood that.

Prior to January 1948 were you a member of the local teachers' union?

Miss SCRIBNER. I object to the question and also to this hearing on each and all of the grounds previously stated as grounds for my objections to questions asked.

Mr. TAVENNER. May I have a direction that the witness answer?

The CHAIRMAN. Yes; I direct you to answer that question.

Miss SCRIBNER. I decline to answer the question on each and all of the grounds previously stated, as grounds of my objections to questions and as grounds previously stated for my refusal to answer questions.

The CHAIRMAN. All right, go ahead, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Communist Party prior to January 1, 1948?

Miss SCRIBNER. I object to the question and also to this hearing on each and all of the grounds previously stated as grounds of my objections to questions, and to this hearing.

Mr. TAVENNER. You stated that you resigned as a teacher. Did you not resign because you felt that you could not sign the oath required by the Levering Act because of your membership in the Communist Party?

Miss SCRIBNER. I object to the question and also to this hearing on each and all of the grounds previously stated as grounds of my objections to questions, and to this hearing.

Mr. TAVENNER. Her objections have been stated, Mr. Chairman, in such a way it is difficult to determine whether she actually is relying upon the fifth amendment or not, so in light of that, I request that you direct that she answer the question.

The CHAIRMAN. Well, with the exception of this last question, I am sure that when she said the grounds previously relied upon, she meant all of the grounds relied upon, and including the fifth amendment; is that correct?

Miss SCRIBNER. That is correct.

The CHAIRMAN. The meeting is adjourned until 9:30 tomorrow morning.

(Whereupon, at 5 p. m., the hearing was recessed, to reconvene at 9:30 a. m., Wednesday, June 19, 1957.)

HEARINGS HELD IN SAN FRANCISCO, CALIF.,
JUNE 18-21, 1957—Part 1

WEDNESDAY, JUNE 19, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
San Francisco, Calif.

PUBLIC HEARING

The subcommittee met at 10 a. m., pursuant to recess, Hon. Francis E. Walter, chairman, presiding.

Committee members present: Representatives Francis E. Walter of Pennsylvania; Gordon H. Scherer of Ohio; and Robert J. McIntosh of Michigan.

Staff members present: Frank S. Tavenner, Jr., counsel, and William A. Wheeler, investigator.

The CHAIRMAN. The committee will please come to order.

Mr. Tavenner, call your first witness.

Mr. TAVENNER. Mr. Louis Earl Hartman, will you come forward, please.

The CHAIRMAN. Raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HARTMAN. I do.

The CHAIRMAN. Will you proceed, please, Mr. Tavenner.

TESTIMONY OF LOUIS EARL HARTMAN, ACCOMPANIED BY HIS
COUNSEL, LAWRENCE SPEISER, SAN FRANCISCO, CALIF.

Mr. TAVENNER. Will you state your name, please, Mr. Hartman.

Mr. HARTMAN. My name is Louis Earl Hartman.

Mr. TAVENNER. It is noted you have counsel. Will counsel please identify himself for the record.

Mr. SPEISER. Lawrence Speiser, 690 Market Street.

Mr. TAVENNER. When and where were you born?

Mr. HARTMAN. Second day of May 1915, Borough of Brooklyn.

Mr. TAVENNER. How long have you lived in the State of California?

Mr. HARTMAN. How long have I lived in the State of California? I believe 12 years this month.

Mr. TAVENNER. Have you lived here continuously since that date?

Mr. HARTMAN. Except for visits to my home in the East, I have, sir.

Mr. TAVENNER. What is your occupation?

Mr. HARTMAN. I am a radio broadcaster.

Mr. TAVENNER. Where do you reside?

Mr. HARTMAN. In Berkeley, sir.

Mr. TAVENNER. How long have you lived in Berkeley?

Mr. HARTMAN. I believe I have lived in Berkeley for the 12 years that I have lived in California.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. HARTMAN. I was graduated from the McBurney Prep School on West 63d Street in New York City. I went to the Johns Hopkins University in the city of Baltimore, taking a premedical degree for 2 years.

Mr. TAVENNER. What was that date, please?

Mr. HARTMAN. That was the year 1932 I went to Baltimore, Mr. Tavenner. I then transferred to the arts division of Johns Hopkins for 1 year and transferred then to the University of Illinois, Champaign, Ill., and received my bachelor of arts degree in 1936.

I was winner of the Bachelor Highland Guild playwriting prize and I was graduated with honors and I was graduated Phi Beta Kappa. I returned after my graduation to take some postgraduate courses in journalism but I did not complete the course.

Mr. TAVENNER. Have you had any other educational training at any school besides those that you have mentioned?

Mr. HARTMAN. In respect to the question, sir, I wish to make the following objection: (1) The committee's authorizing resolution and the subject of the hearings as announced by the committee are vague and indefinite in that they fail to inform me of the nature, purpose, and extent and limitations of the hearing or the matters about which I have been called to testify. Therefore, the question posed is not pertinent or relevant to any legitimate, valid, definitive legislative purpose and thus violates my rights under due process of law under the fifth amendment, as held by the United States Supreme Court, as held in the case *United States v. Watkins*.

(2) The first amendment prohibits the Congress from passing any law infringing on speech, conscience, and assembly. The mandate of this committee and the purposes announced at this hearing are unconstitutional in attempting to authorize it to investigate into an area in which the Constitution forbids it to legislate.

(3) Questions asked me concerning my political beliefs and associations under the circumstances of these hearings abridge my rights of freedom of speech and association protected by the first amendment.

(4) The inquiry of the committee and the purposes of this hearing are inquiry into affairs unrelated to any valid legislative purpose under Article I of the Constitution and are solely designed for the purpose of exposing myself and others to publicity and ridicule.

(5) This committee's inquiry is for the purpose of placing me on trial without any of the rights guaranteed by the due process of laws of the fifth amendment and of the sixth amendment which affords me the right to notice of any charges, the effective aid of counsel, adequate time to prepare a defense, right of cross-examination, and the presumptions of innocence.

(6) This committee's inquiry infringes on the rights retained by the people and the States under the 9th and 10th amendments. This hearing and this committee's inquiries are unconstitutional infringements by the legislature into the jurisdiction of the judiciary which has

the sole power under the Constitution to place me on trial and to inquire into my personal conduct.

Mr. TAVENNER. Are you objecting to the question on the grounds that you fail to see its pertinency?

Mr. HARTMAN. I am objecting on the issues of points 1 through 7, which I have just stated.

Mr. TAVENNER. Specifically, are you raising the question that you do not understand the pertinency of the question?

Mr. HARTMAN. I believe the statement I have just made, Mr. Tavenner, is what I am trying to say. I admit that the legal language is a little unusual for me, but that is what I believe.

Mr. TAVENNER. Due to the fact that the witness will not answer specifically the last question I asked, I will pass on to a question the pertinency of which may be more apparent to the witness.

Have you been a member, and are you a member now, of a professional cell of the Communist Party at Berkeley?

Mr. HARTMAN. My answer to the question just posed is the answer which I gave to your first question, Mr. Tavenner, points 1 through 7 as stated, and they are in the record.

Mr. TAVENNER. I will try to explain to you the pertinency of the question and, assuming that that is the real basis of your refusal to answer, with the hope that when you see its pertinency that you will answer.

First of all as to the subject, you said you had not been informed of the subject. Were you present when the chairman of the committee read the opening statement here yesterday?

Mr. HARTMAN. I was, sir; I was in the press box.

Mr. TAVENNER. And you heard it?

Mr. HARTMAN. I did sir.

Mr. TAVENNER. The committee has been endeavoring to ascertain the workings of the professional groups of the Communist Party within this area. As far as you are concerned, it relates to Berkeley, not to the city of San Francisco. That is the only difference.

The question of the activity, that is, the extent, the character and the objectives of Communist Party activities in the professional groups of the Communist Party is a very important matter to the committee because it is now and has been for a considerable period of time considering and weighing the question of need for further legislation with regard to the Communist Party.

As the chairman pointed out to you and others, numerous bills have been introduced in the House of Representatives from time to time to outlaw the Communist Party as such. There has been some difference of opinion by individual members of this committee on that subject but the committee has not taken action recommending such procedure to the present time. It feels that it must be informed on that subject. It feels that Congress expects to be informed on that subject and therefore we are now hearing evidence which will be of value to Congress and this committee on that matter.

Now, so much for the subject.

You say you do not understand the pertinency of that question?

Mr. HARTMAN. Excuse me, sir. I did not say that. I am sorry.

Mr. TAVENNER. It would seem to me that the question is pertinent on its face, that no one with any intelligence would need to have the pertinency explained, when I asked you the question of whether or not

you are at this time a member of the professional cell of the Communist Party in Berkeley.

Of course it is important for us to know that because you are a man, as you say, engaged in an important field of work. This committee is entitled to know of these facts.

Now the reasoning of the committee as to why that question is pertinent is that there is no way for the committee to ascertain facts regarding the activities of a secret cell of the Communist Party, you might say a supersecret cell because, as we understand from evidence, even the rank-and-file members of the Communist Party do not know either the names or the activities of such a group, and how can Congress be informed of the activities of such a group if it cannot ascertain who are in it in order to question?

The reasoning of the committee, further, on that subject, I think is important. As I have said, the committee has been considering for some time the need for further legislation in this field. It is all pointed up very plainly by the position of the Communist Party as expressed in the press this morning.

Dorothy Healey Connelly, the former chairman of the Communist Party of Los Angeles, quoted in this morning's press as having rejoiced in what she termed the greatest victory the Communist Party in America has ever received. As a quotation:

It will mark a rejuvenation of the party in America. We have lost some members in the last few years—

and mark you, this is the rest of the quote—

but now we are on our way.

We feel that Congress is entitled to information which may help to block that way.

Now does that explain the pertinency of the question to you?

Mr. HARTMAN. Respectfully, Mr. Tavenner, I stand on the objection previously stated.

Mr. TAVENNER. You did not honestly give that objection because you felt you did not understand the question. You are merely offering it as an excuse for refusal to testify when you made up your mind as to a course which you were going to take?

Mr. HARTMAN. I can only ask, Mr. Tavenner, that you believe me when I say that my objections are as stated.

Mr. TAVENNER. That your objection is that you do not see the pertinency of the question?

Mr. HARTMAN. My objection is, sir, as stated in points 1 through 7.

Mr. TAVENNER. Mr. Chairman, I think I have made as full an explanation of the subject and of the pertinence of the question as is reasonable under all of the circumstances, and I suggest that he be directed to answer.

The CHAIRMAN. Yes; I direct you to answer.

Mr. HARTMAN. Mr. Chairman, Mr. Tavenner, I respectfully decline to answer on all the grounds previously stated as grounds to my objections. I wish to inform the committee specifically that I am relying in no way on the privileges of self-incrimination provided me by the fifth amendment, although I do not believe that any one who does should be criticized in any way for relying on that or any other rights granted by the Congress.

The CHAIRMAN. Then as I understand it you are not invoking the fifth amendment.

Mr. HARTMAN. Mr. Walter, I am not invoking the fifth amendment. My attorney informs me that my legal language is very faulty. I am not invoking the criminal amendments of the fifth amendment. As I said in my earlier statement, I do rely on the fifth amendment in other aspects of the questioning.

Mr. TAVENNER. Are you now the chairman and have you been the chairman of the Professional Section of the Communist Party in Berkeley since early January 1957?

Mr. HARTMAN. In objecting to that question, I rely on the points briefly made 1 through 7, as on the previous questions.

Mr. TAVENNER. Will you tell the committee, please, how many professional cells of the Communist Party there are in Berkeley?

Mr. HARTMAN. My answer to that question, Mr. Tavenner, is the objection as has been stated.

The CHAIRMAN. You are objecting to the question. Do I understand by that that you are refusing or declining to answer the question?

Mr. HARTMAN. I am making an objection to the question on the grounds previously stated.

The CHAIRMAN. You are objecting to it, and now I direct you to answer it.

Mr. HARTMAN. Now, sir, I am respectfully declining to answer on all of the grounds previously stated. I am not going to answer the question as I previously stated.

The CHAIRMAN. In addition to objecting to the question, you are now declining to answer the question for the reasons that you have given heretofore?

Mr. HARTMAN. That is correct, sir.

Mr. SCHERER. To this question do you also not invoke the self-incrimination portion of the fifth amendment?

Mr. HARTMAN. That is right.

Mr. TAVENNER. Now, sir, will you advise the committee of propaganda activities that are now being carried on by the Professional Section or group of the Communist Party in Berkeley?

Mr. HARTMAN. Once again I respectfully object to the question on the grounds previously stated.

The CHAIRMAN. Just a minute, Mr. Tavenner.

Do you decline to answer the question?

Mr. HARTMAN. Is the Chair directing me to answer that question?

The CHAIRMAN. Yes, I am directing you to answer the question.

Mr. HARTMAN. I decline to answer on the grounds previously stated.

Mr. TAVENNER. Are you refusing to answer notwithstanding the explanation that was made of the subject of the inquiry that I am making at this time, as well as the explanation regarding the pertinency of the question, because the same explanation applies to this question?

Mr. HARTMAN. Yes, sir.

Mr. TAVENNER. Will you tell the committee, please, what activities the professional cell of the Communist Party in Berkeley is now engaged in?

Mr. HARTMAN. I object to the question on the grounds previously stated.

The CHAIRMAN. Just a minute, Mr. Tavenner.

I direct you to answer the question.

Mr. HARTMAN. I respectfully decline to answer on the grounds previously stated.

Mr. TAVENNER. Is your refusal to answer made notwithstanding the explanation that I previously made regarding the subject and pertinency of the question which applies also to this question which I have asked?

Mr. HARTMAN. My objection, sir, is as previously stated.

Mr. TAVENNER. Mr. Hartman, I have before me a thermofax copy of the People's World of March 24, 1949. I see there an article, the heading of which is ASP Urges Support for Peace Meet. The article begins as follows:

A call for "men and women of good will" to support the New York City Cultural and Scientific Conference for World Peace opening Friday, was made today by Louis Hartman, East Bay chairman of the Arts, Sciences, and Professions Council.

Hartman declared that action by the State Department in canceling visas for 12 international delegates to the conference "exposes the war drive of American reaction." * * *

"The attempt of our State Department to declare the Cultural and Scientific Conferences for World Peace as Soviet propaganda," Hartman said, "can only serve to expose the war drive of American reaction. Peace is a universal desire of all decent people of every nation and political persuasion. At a time when it wishes to sell the American people a bill of goods called the Atlantic Pact, the State Department suffers extreme political embarrassment."

Was the embarrassment resulting to the State Department in having to take action in regard to that so-called peace council the result of Communist Party propaganda disseminated in this country in which you played a part?

Mr. HARTMAN. I object to the question on the grounds previously stated, Mr. Tavenner.

The CHAIRMAN. Do you decline to answer the question?

Mr. HARTMAN. I decline to answer on the grounds previously stated.

Mr. TAVENNER. The article quoting you refers to the action of the State Department with regard to that so-called peace meet in New York City. The action of the State Department was set forth in House Report 1954, released by this committee on April 26, 1950. The report of this committee in referring to that matter at the time stated this:

From the outset, Secretary of State Dean Acheson referred to the gathering as "a sounding board for Communist propaganda." The State Department pointed out that "none of the cultural leaders of eastern Europe" who attended "were free to express any view other than that dictated by the political authorities in Moscow," and expressed no doubt "as to the manner in which the Communists will attempt to use the manipulate" the Conference.

Will you tell the committee, please, whether or not the professional cell of the Communist Party in Berkeley took action in regard to this matter?

Mr. HARTMAN. I object to the question, Mr. Tavenner, on the grounds previously stated.

Mr. TAVENNER. Were you not—

The CHAIRMAN. Just a minute. There is a distinction between objecting to a question and declining to answer a question. You have objected to it. Do you decline to answer the question?

Mr. HARTMAN. I decline to answer on the grounds previously stated.

Mr. TAVENNER. Were you not at the time of the publishing of that article in the People's World, March 24, 1949, when you were quoted as I have read, engaging in an activity of the professional cell of the Communist Party in Berkeley designed to embarrass the United States in its foreign policy?

Mr. HARTMAN. I object to the question, Mr. Tavenner, on the grounds previously stated.

Mr. TAVENNER. Mr. Chairman, I think I should explain a little more fully at this point to the witness of the effect of that question, the pertinency of it. I have explained the purpose of the inquiry that we are making here. I will not repeat that, but as to the pertinency of this question, it is the reasoning of the committee that it knows of the work of the professional cell or has information of the work of the professional cell at Berkeley at an early date. It is important, it thinks, to ascertain the workings of it today particularly in light of all that has transpired internationally, and it feels that by tracing the operations of this professional cell up to the present time, it will throw light upon the activities of the Communist Party and that it will be an indication of the seriousness of matters of the propaganda activities in which the Communist Party is engaged. Therefore, we would like to know, in other words, we are connecting up those activities, those propaganda activities, with a group of the Communist Party of which I have asked you as to whether or not you are a member, and your particular activity in it.

With that explanation, may I ask again that you answer the question?

Mr. HARTMAN. Am I directed to answer that question, Mr. Chairman?

The CHAIRMAN. Yes; you are directed to answer that question.

Mr. HARTMAN. Then I must refuse to answer the question on the grounds previously stated.

Mr. TAVENNER. Were you an active member of the Civil Rights Congress in Berkeley in March 1951?

Mr. HARTMAN. I object to the question, sir, on the grounds previously stated.

Mr. TAVENNER. Were you a member of the professional cell of the Communist Party in Berkeley in March 1951?

Mr. HARTMAN. I object to the question, sir, on the grounds previously stated.

Mr. TAVENNER. Is the professional cell of the Communist Party in Berkeley now carrying on a campaign of propaganda in any manner—

Mr. HARTMAN. I object.

Mr. TAVENNER. Just a moment—in regard to the Sobell committee?

Mr. HARTMAN. I object to the question on the grounds previously mentioned.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer.

Mr. HARTMAN. There was a series of questions. Is that the last question or all of them?

The CHAIRMAN. Yes.

Mr. HARTMAN. In regard to the last question I respectfully decline to answer on all of the grounds previously stated, for the grounds of

my objection, and I again inform the committee that I am not in any way relying on the self-incrimination provisions of the fifth amendment.

Mr. TAVENNER. I have before me a copy of the July 30, 1947, issue of the People's World. This article reports that you were to participate in a cultural conference to be held on August 2 and 3 under the auspices of the California Labor School. From this article it appears that John Howard Lawson was to be the keynoter and that the cultural conference was broken down in panels. Under the motion picture panel appears the name of A. Polonsky, a screen writer, Waldo Salt, whose profession was also that of a screen writer, and yourself, under the name Lou Hartman. There has been very extensive evidence before this committee of the Communist Party membership of John Howard Lawson, Abe Polonsky, and Waldo Salt. There has been considerable evidence relating to the activities, propaganda and otherwise, of the California Labor School. Will you state whether or not the occasion to which I have referred was the result of Communist Party consultation and planning?

Mr. HARTMAN. I object to the question on the grounds previously stated.

Mr. TAVENNER. May I have a direction?

The CHAIRMAN. You are directed to answer the question.

Mr. HARTMAN. I respectfully decline to answer on all of the grounds previously stated as grounds for my objection.

Mr. TAVENNER. I have asked you whether or not you were the chairman of the Professional Section of the Communist Party in Berkeley, which you refused to answer, and I will now ask you whether or not you are a member of the Communist Party on any level whether super-secret or not.

Mr. HARTMAN. I object to the question, sir, on the grounds previously stated.

The CHAIRMAN. You are directed to answer the question.

Mr. HARTMAN. I respectfully decline to answer on all of the grounds previously stated as grounds for my objection.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. McINTOSH. Mr. Hartman, you have not intended to raise the self-incrimination clause in any of your answers?

Mr. HARTMAN. That is correct, Mr. McIntosh.

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. The witness is excused. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. I would like to recall at this time Dr. Patten.

The CHAIRMAN. The witness has been sworn. Go ahead, Mr. Tavenner.

TESTIMONY OF DR. JACK (BEVERLY MIKELL PATTEN)—Resumed

Mr. TAVENNER. Dr. Patten, you have advised the committee that you held various positions in the Communist Party here in San Francisco. I believe you said you were on the county committee at one time; is that correct?

Dr. PATTEN. That is correct.

Mr. TAVENNER. What other positions did you hold?

Dr. PATTEN. Within the Professional Section I was an educational director at one time and chairman at various times in branches.

Mr. TAVENNER. Therefore, you had an opportunity to know well persons who were in your particular group of the Communist Party, your particular professional cell?

Dr. PATTEN. Yes.

Mr. TAVENNER. Let me ask you generally about such groups of the professional cells as you describe as the doctors' group. Did you ever attend a meeting of the doctors' professional group of the Communist Party?

Dr. PATTEN. No, I didn't.

Mr. TAVENNER. Did you have occasion to learn the names of some of the members of that group?

Dr. PATTEN. Specifically, yes—a couple of instances attending sectional educational meetings, perhaps a Sunday meeting or something like that, I did have occasion to meet some. Others one learned about only by hearsay, but I did meet a couple anyway whom I knew to be members because they were attending such meetings.

Mr. TAVENNER. Were those meetings confined to the membership of the Communist Party?

Dr. PATTEN. Yes.

Mr. TAVENNER. In fact, all of the activities of the professional group of the Communist Party were held as secret as they could be?

Dr. PATTEN. They were quite closed. I recall no occasion where people from the outside were invited.

Mr. SCHERER. You mean people outside of the professional group? You said you know of no occasion where people were invited?

Dr. PATTEN. I meant no people invited from outside of the Communist Party. There may have been an occasion when an organizer from the party higher up met with the professional clubs and groups.

Mr. TAVENNER. I think you previously explained that the members of the professional group rather resented other members of the Communist Party coming before their meetings.

Dr. PATTEN. As a precaution; yes. They would object to anyone from outside of their own particular club or occasionally extending that to the section, anyone from the outside coming.

Mr. TAVENNER. Will you tell the committee, please, who were members of the Professional Section among the doctors who attended the meetings to which you have referred?

Dr. PATTEN. I think I can accurately recall only 3 people, doctors, with whom I have come in contact in party meetings, 2 M. D.'s, Asher Gordon—

Mr. TAVENNER. Dr. Asher Gordon?

Dr. PATTEN. Morton Garfield. I believe there was a dentist by the name of Sol Bineman.

Mr. TAVENNER. B-i-n-e-m-a-n?

Dr. PATTEN. I am not sure of the spelling on that.

Mr. TAVENNER. A dentist?

Dr. PATTEN. Yes.

Mr. TAVENNER. What was the occasion of their attendance at these meetings?

Dr. PATTEN. As I recall, the first two I mentioned were in educational meetings, as I previously described. I want to point out to the committee that the structure of the Communist Party and the Communist Political Association changed from time to time, and where I have indicated previously that doctors and lawyers were

always separate—it occurs to me that it is possible, I am not sure, but it is possible that doctors were at one time during my various periods of activity at one time included within regular professional sections not within their own. I do recall being at meetings with Dr. Bineman and I believe he was actually in the same branch that I was in but I could not verify that. I only know that I have been at meetings with him.

Mr. TAVENNER. At least during the greater part of this time, the doctors had a separate group of their own?

Dr. PATTEN. That is right.

Mr. TAVENNER. I understood you to say you never attended one of their meetings. Is that correct?

Dr. PATTEN. That is correct.

Mr. TAVENNER. Do you have any knowledge of the activities that the doctors professional group engaged in?

Dr. PATTEN. Nothing that they as a group engaged in, no. I don't recall it. It is just something that never came to my attention, apparently, or not with sufficient intensity for me to remember it. I don't recall their having a particular program that I have ever heard of within a medical society, any health movement or anything directly connected with their profession. I merely know that individual members, individuals such as those three I mentioned, allowed their names to be used to sponsor broad causes such as an organization for peace. I believe that you will find one or more of those gentlemen listed as sponsors of the California Labor School. As I recall, their names frequently appeared as sponsors for such organizations. That is individual and not group activity. I know nothing of group activity.

Mr. TAVENNER. I believe you stated earlier in your testimony that there was a professional group organized—I believe you said—the Newspaper Guild. Did you express it that way? I am not certain.

Dr. PATTEN. It was referred to as a guild club but they were newspaper workers in that all of them were members of the local newspaper chapter of the American Guild. Again I am mentioning the name of an organization on which I do not want to cast any reflection, that is, the Newspaper Guild. The fact that they have had Communists in their organization is no reflection on them, nor is it the first time that such information has been brought to light in the United States.

Mr. TAVENNER. Yes; I think the files of our committee will disclose that the Communists have made an effort to infiltrate almost every known organization in our society.

Have you had any occasion at any time to meet with that group?

Dr. PATTEN. Yes. When I got out of the Army in 1941 and was subsequently readmitted to the Communist Party here in San Francisco, one of the first assignments I was given was to meet with the Newspaper Workers Club of the Communist Party, who were undergoing some organizational difficulties at that time. I was sent there in an effort to help them either solve this problem and operate as a properly functioning group of the Communist Party or else dissolve it as a separate organization and move it into our club.

The final decision was made that it should disband as a separate organization and go into other professional clubs.

Mr. TAVENNER. What other professional clubs did they go into?

Dr. PATTEN. They would be clubs that were not specifically for doctors or attorneys but were general professional clubs made up of teachers, artists, architects, and what-have-you.

Mr. TAVENNER. Will you give the committee, please, the names of those who were in the newspaper guild group of the Communist Party, the Professional Section of the Communist Party, or who affiliated with the miscellaneous professional group?

Dr. PATTEN. Yes. Now I may not remember all of the names. In anticipation of your question, Mr. Tavenner, I have jotted down names here.

I want to make it understood that I did this in my hotel room last night from my own memory, and that is why I am referring to a paper here.

I remember these people and there may have been more, I don't know. Ralph Bruenn, Jack Eshleman.

Mr. TAVENNER. Just a moment. If you recall, I would like to know how those people were employed at that time, if you know.

Dr. PATTEN. If I know. I am not sure on Ralph Bruenn.

Mr. TAVENNER. If you are not sure, then say so.

Dr. PATTEN. Jack Eshleman—I am not sure of the spelling of his name—was employed by the Call Bulletin, I believe. If he was not then, he was shortly thereafter.

There was a woman by the name of Yudauka, who used the name of—

Mr. TAVENNER. Will you spell both?

Dr. PATTEN. Yudauka, and used the pen name of Sue Barry and wrote for the Daily People's World. Also early in the war wrote a pamphlet which was widely distributed on racial integration. Morris Watson, who was with the longshoreman's newspaper.

Mr. TAVENNER. Spell his first name.

Dr. PATTEN. M-o-r-r-i-s.

Mr. TAVENNER. Morris Watson.

Dr. PATTEN. That is right.

Mr. TAVENNER. What longshoreman's newspaper was that?

Dr. PATTEN. International Longshoremen's and Warehousemen's Union newspaper. I am not sure of the name of it. It is the one published as the organ of the International Longshoremen's and Warehousemen's Union. He was the editor.

There was one other man who was either there or I knew him later as a newspaper writer, Emerson Street. I do not know what paper he might have been working for, if any. Later I believe he was editing trade house organs, trade journals for various industries. That is the extent of the people I have been able to recall in the Newspaper Club of the Communist Party.

Mr. TAVENNER. I believe you had testified that the teachers did not have a separate professional club of their own.

Dr. PATTEN. Yes, and at one time, thinking it over, I think they had—toward the end of my membership I think they did, but I think they were always with other professional people. I could be mistaken on that. I do not want to be too hasty on this thing, but the Communist Party changed its organizational structure so often that it is a little difficult to keep up with it. The purpose in doing it was ostensibly, anyway, to produce a better functioning organization,

having people organized in such a way so that they would operate more effectively.

Mr. TAVENNER. You have previously given us the names of three persons, Ned Hanchett, Jane Scribner, and John Horowitz, who were members of the professional group among the teachers.

Will you give us the names of other teachers?

Dr. PATTEN. Leonard Pockman was employed at the San Francisco State College when I was there, John Hardwick—I am not sure where he was employed. He was attending the University of California, having taught previously outside this State, but he was teaching after that down the peninsula somewhere south of here.

There was a Bea Melner and Ann Glass. I do not know where either one of them taught but I believe it was in the city system here. John Glass—in for a short time and employed at City College of San Francisco part of the time while I was there.

Morton Elkins was a substitute teacher while also attending Stanford University doing graduate work. He was a substitute teacher in the city and county school system.

There was Bertha Williams, who came there some time during my membership and taught in the schools here.

Did I mention the name of Ann Glass?

Mr. TAVENNER. Yes, you did.

Dr. PATTEN. There is a Sidney Rubin whom I knew in the State of Washington. I later met him down here in the party, and I understood he was teaching then but I don't know where.

Mr. TAVENNER. You say you knew him in the State of Washington?

Dr. PATTEN. I knew him in the State of Washington as a Communist and at that time he was working for the Federal Government in the survey of employment or population mobility, or something of that nature. I worked for him.

Mr. TAVENNER. You worked for him?

Dr. PATTEN. Yes, on a part-time basis when I was doing other jobs.

Mr. TAVENNER. Then you met him here later?

Dr. PATTEN. That is right.

Mr. TAVENNER. Was he affiliated with and a member of the Professional Section here?

Dr. PATTEN. Yes, sir.

Mr. TAVENNER. You were a teacher yourself. You have explained that you were on the college level and that you did not know much about the activities of this teachers' group. You indicated at one point in your testimony that you withdrew from teaching here in the State of California. What was the reason for that?

Dr. PATTEN. I don't know whether you could exactly call it a withdrawal. To put it bluntly, I was fired by the State as superintendent of schools for not having signed the loyalty oath as required by the recently passed Levering law in the State. There were several of us teaching who did not sign that loyalty oath and were subsequently fired.

Mr. TAVENNER. When did that take place?

Dr. PATTEN. Most of them, I would say, was in October through November of 1950 that we were given our letters of dismissal. Naturally, since this was the first time that this act had been in effect, it took some time for the school authorities consulting with their counsel to determine the proper method of taking care of these firings, so

I was discharged, I believe, on November 9 at San Francisco State College, others were discharged on November 8. However we had not been paid for the month of October after we had failed to sign the loyalty oath.

Mr. TAVENNER. The effective date of the act was 1948, was it not?

Dr. PATTEN. I don't believe you are right. If you will check, you will find it was 1950. The act may have been passed in 1948 although that seems a long time for them to prepare the machinery for its operation.

Mr. TAVENNER. Did it require a statement of whether or not a person had been a member of the Communist Party in the year 1948?

Dr. PATTEN. It required a statement that was originally written as 3 years and I think it was changed to 5 years and then it was changed back before it was finally passed to 3 years.

In other words, one had to sign a statement saying that he had not belonged to the Communist Party, and it described other organizations seeking the overthrow of the United States Government, for the 3 years prior to the signing, which would actually put it back, Mr. Tavenner, to 1947.

Mr. TAVENNER. I see. That answers my question.

At the time that you refused to sign the loyalty oath, were you a member of the Communist Party?

Dr. PATTEN. No, I was not.

Mr. TAVENNER. Your testimony was that you had withdrawn some time before that?

Dr. PATTEN. That is right. However, to have signed it would have placed me in jeopardy because the law provided for a penalty up to 14 years imprisonment for perjury, so that was one reason that made it necessary for me to refrain from signing. However, I might point out that I could have signed and put in an exception which was provided for in the oath and that exception could have been Communist Party. This was done by John Mass of City College.

I understand from what I have read in the newspapers and what I have been told that he did sign stating such an exception and was kept on in his employment until he was released some time later, released or resigned. I heard that he had been released from his teaching duties.

Mr. TAVENNER. Did the Professional Section of the Communist Party take any action or engage in any activity with regard to the Levering Act?

Dr. PATTEN. Now, you will recall that I was not a member of the Communist Party so I was looking in from the outside to anything that was being done.

I do know of many of those who did not sign the Levering Act, several of them were known to me to be Communists when I was a Communist. There were organizations established by those who did not sign the Levering Act with the assistance of other people who were interested.

Mr. TAVENNER. That is, people who had not been members of the Communist Party?

Dr. PATTEN. Or people who were not concerned with the loyalty directly because they were not teaching. They were concerned with the issue, and there was a decided feeling among teachers as well as other people, a feeling of opposition to the Levering Act. This was

put into effect at a time when loyalty oaths were being required pretty much throughout the United States and in many of the States. Some of them had had them since the States were first formed, but there were a great many loyalty oaths passed at that time on the east coast—Maryland, New York, and so on, in various other States including California.

One of the objections raised was that originally, when this matter of loyalty oath first came up, it was the requirement of the regents of the State of California, which did not affect me at all. What the regents required was later ruled out by the supreme court of the State or a lower court, but I believe it was the supreme court and those people at the University of California who had failed to sign were reinstated. The Levering Act was not ruled out by the courts and it did not single out teachers but anyone in State, county, or municipal employment, which covered a great many people. So, one of the objections to its being directed solely at teachers was removed when the Levering Act was enacted by the legislature of this State requiring any State, county, or municipal employee to sign such a statement. Afterwards, just by way of clarification for the committee, I remember committee members from the State—I would like to give the rest of the history of the act.

It was put into the constitution as a constitutional referendum and it was an amendment of the constitution of the State of California after it had been enacted by the legislature.

Mr. TAVENNER. Did that have any effect upon your ultimate decision in regard to the signing of the oath?

Dr. PATTEN. It had an effect on me personally. I do not know that it had an effect on any other person. I withdrew my appeal before the State personnel board through notifying the personnel board and the attorney who was representing such people and let the thing drop. I signed the loyalty oath for subsequent part-time employment for the State and school districts, having allowed the 3-year period since I might have still been a member to have elapsed and thereby taking the precaution of not leaving myself open to a charge of perjury. After the act had been made a part of the constitution, the courts had upheld the legislative act, I could see no point in continuing.

I would like to interject here, Mr. Tavenner, one point, too, that I mentioned—the fact that there were Communists who did not sign the oath. It would have been difficult for a Communist to have signed it but some may have. They would have been taking a chance. But I also want to point out that there were many sincere people throughout the State, some of whom I know in this area and some of whom were my colleagues in teaching in this area who did not sign, and I am quite sure were not members of the party but objected to the oath by its own nature.

I do not want to imply in any way that not signing the Levering Act oath was any indication of a person's membership in the Communist Party.

Mr. TAVENNER. Did you observe any particular activity on the part of Professional Section members of the Communist Party other than teachers in connection with this matter?

Dr. PATTEN. I do not recall right now that I did. There was naturally enthusiastic support within the Communist Party but I

can't right now recall Professional Section members of the Communist Party other than teachers who were active in this campaign.

The CHAIRMAN. Mr. Tavenner, would this be a good place for a break?

Mr. TAVENNER. Yes, sir.

The CHAIRMAN. The committee will stand in recess.

(Brief recess)

The CHAIRMAN. The committee will be in order.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Dr. Patten, in looking back now upon the fight that was made against the Levering Act here in San Francisco, can you enlighten the committee in any way as to what use the Communist Party made, if any, of that issue which was intended or hoped to be an advancement of Communist interest generally?

Dr. PATTEN. I think action was typical of what you find over and over again whenever people are sincerely interested in what people feel to themselves is a legitimate cause; that widespread Communist support is forthcoming, to be followed by efforts on the part of the Communist Party members to use that cause and the people who are behind it toward gaining further support for other things not directly or even sometimes related to the issue at hand.

In other words, there were two organizations formed in opposition to the Levering Act. One was the Federation for the Repeal of the Levering Act, and the other was called by some such name as Joint Action Council for the Repeal of the Levering Act, or something like that. The first one mentioned, the federation, was formed as I recall by individuals, some of us being people who had not signed the Levering Act and others being citizens at large who were in sympathy with what we were trying to do, and that organization, as far as I could see and being temporarily a part of its lesser leadership, I would say it functioned pretty well to keep the issue clear on the question of the Levering Act.

The other organization which I believe was formed by a couple of unions of leftwing color made every effort to broaden the issue of the Levering Act, to include anything that might possibly be or remotely be connected with this campaign.

I can explain it in a little more detail but I am speaking now of mass organizations, but I want to point out that there was obvious activity on the part of Communists in trying to push these organizations.

We had, in addition to these, several meetings of those who did not sign the loyalty oath here in the city, and I attended those meetings. It was obvious to me, nobody had to tell me that other meetings were being held. It was quite clear that plans were made by Communist Party members to direct those meetings and to push these other organizations in certain directions. They were not quite successful, as long as I was around, pushing the federation too far in many directions to meet their own ends, but they were certainly successful with the Joint Action Council.

I recall a mass meeting that was held under the auspices of the Joint Action Council in some hall in Van Ness. I do not recall who the speakers were, but without exception the speakers tried to relate the passage of loyalty-oath legislation throughout the United States to political issues nationally and internationally. We were told repeat-

edly that one could not isolate the drive for loyalty oaths in the country from the efforts of the United States Government to further its military activities in Korea. This was the time when the Korean military activities were going on between United Nations forces, particularly the forces of the United States, and the North Korean and Chinese forces.

It was done rather blatantly in this method as well as from conversations one would hear from Communists, to the extent that you were almost told that your support in this issue was of no value if you were merely supporting the cause—supporting the liberal cause of not signing the loyalty oath, but you had to support all of these other things including the then campaign for the cessation of hostilities. I objected to this with people to whom I talked and I am sure they revealed to the Communists my lack of sympathy with what they were trying to do, because I had a feeling that they, under the guise of assisting us, were actually helping to put us out on such a limb that we could not possibly get good support for the cause which we believed in.

This is just one example of the many types of things that have been done continually by the Communist Party members when operating in a unit that way. I must assume that it is a decision that they have reached or that they are operating on the direction of others above them in the Communist Party to utilize these campaigns in that particular way.

I do not need to go on any further, I believe, for members of this subcommittee, because I think that they have seen ample evidence of this sort of thing over and over again in the past 15 to 20 years in the United States.

The upshot of it is that, as I indicated yesterday, liberal causes are frequently lost but the unwanted and strange bedfellows which one picks up inadvertently when championing some liberal cause which he believes to be just.

Mr. TAVENNER. That is another typical example of the propaganda use made by the Communist Party of issues.

Is it not also true to say that the raising of issues and the use of them in that manner was done for the purpose of recruiting members who are interested in those issues into the active work of the Communist Party?

Dr. PATTEN. Undoubtedly that was one of the objectives. Another was to try to sneak support for causes behind that in which a person might be primarily interested. I could never understand the value of the tactic. Certainly it has defeated a lot of good things, that is, good in the opinion of liberally minded people, and it serves generally to diminish rather than to increase one's friends and supporters in the case of a particular issue. Because the American people don't swallow that as much as one might think.

Mr. TAVENNER. Dr. Patten, you referred in your earlier testimony to another professional group of the Communist Party made up of members of the legal profession. Did you have an occasion at any time to meet with the legal professional group?

Dr. PATTEN. No; I didn't, Mr. Tavenner, but at times—this I am specific about—there were times when certain members of the legal profession did not have their own club and were members of other professional clubs throughout the city. At one time I think there were

three professional clubs, the North Side, the South Side, and I don't know what the other one was. There may have been only two, but these were made up of people who included professional people, including the lawyers who did not then apparently have a club of their own. So, I had occasion to be in meetings with a number of those people.

Mr. TAVENNER. Will you give us their names, please?

Dr. PATTEN. I had been in branch meetings with Benjamin Dreyfus, Robert Treuhafft, Aubrey Grossman, Doris Marasse.

Mr. TAVENNER. Let's go back now and spell these names so there cannot be any misunderstanding.

Dr. PATTEN. D-r-e-y-f-u-s.

Mr. TAVENNER. That is Benjamin Dreyfus.

Dr. PATTEN. Treuhafft. I think it is T-r-e-w-h-a-f-t, but it could be T-r-e-u-h-a-f-t. I am sorry, I do not know the spelling.

Mr. TAVENNER. These persons were lawyers where?

Dr. PATTEN. In San Francisco.

Mr. TAVENNER. Then you said Aubrey Grossman.

Dr. PATTEN. Aubrey G-r-o-s-s-m-a-n.

Mr. TAVENNER. He was a member of the legal profession?

Dr. PATTEN. That is right. After I returned from my second experience in the Army I believe it was at that time that he had stopped practice as far as I can tell, and was operating and educational director for the County Communist Party. There was a young lady by the name of Doris Marasse.

Mr. TAVENNER. Doris Marasse?

Dr. PATTEN. Doris Marasse. A young man Leigh, L-e-i-g-h, A-t-h-e-a-r-n. Charles Garry, G-a-r-r-y.

Mr. TAVENNER. Go ahead.

Dr. PATTEN. Charles Garry. There are others with whom I at one time or another attended meetings of an educational nature or gatherings within the Professional Section and whether or not they were ever members of the particular club of which I was a member I cannot say. Those people are Harold Sawyer, Bertram Edises, E-d-i-s-e-s, Richard Gladstein, G-l-a-d-s-t-e-i-n, I think, George Andersen, Ewing Sibbett, S-i-b-b-e-t-t.

Mr. TAVENNER. Can you tell the committee what Communist Party members of the legal profession were expected to engage in at that time?

Dr. PATTEN. When they had a branch of their own, I would have no way of knowing what they were expected to engage in and when they were in clubs with other professional people, then what they would be supposed to engage in would be the same things that other members of that club would engage in, supporting different campaigns that the party is supporting, and so forth.

There was frequent discussion among them about matters concerning the legal profession and they meant little to me because they were not within my particular realm of interest, but I could distinguish them from doctors whom I heard discussing. I never heard a doctor discussing any infiltration campaign or activity within the Medical Society, nationally or locally, but I did hear lawyers discuss efforts to be made within the local organization of the lawyers guild.

Mr. TAVENNER. By that you mean the National Lawyers Guild?

Dr. PATTEN. That is right, and I believe, if I am not mistaken, some of these people held office at one time in the local chapter of the National Lawyers Guild. I think Dreyfus was an officer of that organization at one time.

Mr. TAVENNER. You have no knowledge of the activities at this time of the Professional Section of the Communist Party consisting solely of lawyers?

Dr. PATTEN. Today?

Mr. TAVENNER. Yes.

Dr. PATTEN. No.

Mr. TAVENNER. Now, you have described to the committee what you referred to as, I believe, the miscellaneous and multiprofessional cell of the Communist Party in which we find artists, musicians, the teachers that you have described and others. Can you be more specific and break that down into categories and give us the names of those who were members of this professional cell from the various occupations as far as you can recall them and identify them by occupations?

Dr. PATTEN. To some extent, yes; and in other cases, no. Some people that I remember merely by their presence at meetings, and I am not too well acquainted with what they did, other than activity within the particular club.

Mr. TAVENNER. Go ahead.

Dr. PATTEN. I recall two artists who at one time had been at one time or another members of the branch of which I was a member. One artist, Victor Arnautoff, A-r-n-a-u-t-o-f-f, was frequently in the same branch as I was in.

Mr. TAVENNER. He has appeared before this committee on previous occasions but has refused to cooperate, relying on the fifth amendment.

Dr. PATTEN. And Ray Burrell was another artist I knew when I first came into the party in San Francisco.

Mr. TAVENNER. What is that last name?

Dr. PATTEN. B-u-r-r-e-l-l.

Mr. TAVENNER. And the first name?

Dr. PATTEN. Ray. There was an architect by the name of Harold Dow.

Mr. TAVENNER. How do you spell the last name?

Dr. PATTEN. D-o-w.

Landscaping Architect Garrett Ekbo, E-k-b-o. In some cases I say I have no knowledge of what people did. Some of them were active in teaching perhaps at the California Labor School or something like that. They were removed pretty much from my sphere of knowledge other than the fact that they were members of the branch or I knew them in the party in some way, or else I have forgotten now what activities they carried on.

Mr. TAVENNER. But they were in each instance members of the Professional Section of the Communist Party; is that correct?

Dr. PATTEN. That is right.

There were two musicians, Frances Shorr and Lev Shorr, husband and wife. She is a violinist and he is a pianist. Another violinist, Mary Burrell, the wife of Ray Burrell.

Mr. TAVENNER. Would you spell that last name, please?

Dr. PATTEN. B-u-r-r-e-l-l.

Occasionally musicians were called upon to assist the Communist Party—I mean the small branch—in some entertainment they were

putting on perhaps to raise funds. The same was true sometimes of artists. Artists might give a painting to be auctioned off to raise money.

Mr. TAVENNER. I am very sorry. I was giving a message to my associate here and I did not hear your last statement.

Dr. PATTEN. I said sometimes musicians were used to entertain at party functions, and sometimes a painting by an artist would be donated to be auctioned off. I won a painting by Victor Arnautoff for 25 cents.

Mr. TAVENNER. You have spoken of the musicians. You spoke of the musicians and people in the entertainment field. Were they used in any way by the Communists in connection with the holding of Communist Party causes and Communist Party meetings?

Dr. PATTEN. Beyond what I have just said?

Mr. TAVENNER. Again I will have to apologize because I was engaged in something else. Maybe you covered it.

Dr. PATTEN. I said they were used to entertain for party parties, social functions held by the Communist Party which were held for the purpose of raising funds and bringing people closer to the party for possible recruitment.

From here on I am unable to classify names which I have recalled to my mind and jotted down. They are more or less different people in different activities, different professional or semiprofessional activities or occupations.

For example, two wives of people whom I had previously mentioned who were members of branches of which I was a member were Hilda Eshorn and Aline Pockman.

Mr. TAVENNER. Give us the name again, please, and speak a little louder.

Dr. PATTEN. Aline—I don't know how to spell the first name, P-o-c-k-m-a-n, the wife of Leonard Pockman. Attended movies with Louise Garry, the wife of the attorney. Sometime in my membership, Isaac Folkoff was a member of the same branch of which I was a member. He was an elderly gentleman exceedingly well read in Marxist literature, who frequently conducted educational sessions within the branch.

Mr. TAVENNER. Was he considered to be a functionary of the Communist Party?

Dr. PATTEN. Not to my knowledge. He was a small-business man and he may have been a functionary prior to my being there. He may also have been a functionary unlisted and unknown to me as such. He was certainly well thought of within the organization. There was Dorothy Jeffers, a social worker.

Mr. TAVENNER. Do you know how she was employed?

Dr. PATTEN. When I knew her she was at the Booker T. Washington Institute here in San Francisco. It is a social service organization, I believe, for young people.

Norman C-a-n-r-i-g-h-t, I believe is the correct spelling, and when I first knew him he was employed by a Federal organization which, if my memory serves me correctly, handled the purchasing for Army post exchanges. He later stopped that work and went to work for the Daily People's World.

When I first became a member of the party here in San Francisco, there was in the branch, a Rikee, R-i-k-e-e, and I don't know the real name, E-l-s-e-s-s-e-r. I do not know what her occupation was.

Mr. TAVENNER. Do you recall her first name?

Dr. PATTEN. No. This was what she was known as to me.

There was a young lady, the wife of Robert Treuhaft, whose nickname was Decca Treuhaft. I think the first name was correctly Jessica, but I cannot be certain on that.

There was Marjorie Leonard who was in the branch where I was at one time. It strikes me that she had a connection with the legal profession and either was an attorney or was the wife of an attorney.

Frances Watson, the wife of Morris Watson. Whether she had any other occupation other than housewife, I don't know.

There was a young lady by the name of Ann Wolf. I think she was a Government employee when I first knew her.

Estelle Brisker—

Mr. TAVENNER. Will you spell that last name?

Dr. PATTEN. B-r-i-s-k-e-r, the wife of Sydney Brisker. I was a member of a branch with her.

In addition, I have met either at the party office or elsewhere, or under circumstances where I know these people can be—it gives me reasonable assurance that they were members of the Communist Party. I met such people as Peggy Sarasohn, who was on the stand here yesterday.

You heard of the California Labor School. I have seen her there and I have seen her at Communist Party headquarters.

There was another young man in the club to which I belonged by the name of M-o-r-r-i-e Halperin. I do not know anything about him other than that and that he was literature director for a while of the branch of which I was a member.

Mr. TAVENNER. He was not an attorney, was he?

Dr. PATTEN. I don't think so.

At an educational meeting within the section I saw the wife of—I saw Mrs. Lawrence L-e-v-i-t-a-n. I knew Ellis Colton in the International Book Store.

Mr. TAVENNER. What do you mean by knew him in the bookstore?

Dr. PATTEN. He ran the bookstore, worked in it and he was used as literature director from time to time and I used to go to see him from time to time to get literature from him for me to take to a branch meeting to dispose of by sale or handing it out, materials to be used as a part of the literature educational drive in that particular branch.

Mr. TAVENNER. What was the name of this bookstore?

Dr. PATTEN. I believe it was named the International Book Store. It was located when I knew it up on Market Street where Fell intersects Market. I think that was the corner. It was just a block before Van Ness.

Mr. TAVENNER. It might be well for you to explain at this time the function that the Communist bookstore performed in the operation of the organized cells of the Communist Party and particularly the professional cells here in San Francisco.

Dr. PATTEN. Both here and in the State of Washington I found that bookstores were considered to be highly important outlets for party materials and literature, a necessity almost in any center, any city where the party would function. Materials could be purchased

there by someone coming in off the street and some bookstores run by—the party tried to sell best sellers and so on to pick up the extra money and also to lure people in.

In other words, you might see a book that is in the public eye right now is a best seller in the window and you go in to get it and before you are finished you might buy another book that might be advantageous for the party to sell. This is not always the case, because there is always certain financial risk when one expands in that direction.

Literature contained in bookstores, including the International Book Store here in San Francisco, was some of its American-published materials, some of it classical Marxist literature, and sometimes or always as far as the time that I was concerned, they also sold literature published in the Soviet Union, magazines such as Soviet Russia Today and Soviet Literature, and so on.

Mr. TAVENNER. When you went there to get the Communist Party literature which was required at a particular meeting of the professional cell, did this man Colton seem to have any previous knowledge of the type of Communist Party literature that was required for the particular occasion?

Dr. PATTEN. Yes. Sometimes it would be particular pieces of literature, the sales of which would be pushed by the party at a particular time. It might be a book or pamphlet in connection with a campaign that the party had on, either a broad campaign or an internal campaign within its own organization. It would be such literature as that that he would know to give to me.

Mr. TAVENNER. Were all of the Communist Party cells in the community supplied in the same manner from the same Communist bookstore?

Dr. PATTEN. As far as I know they were. I do not see why there would have been any exception. I know that the bookstore kept records of accounts which the different branches ran with the bookstore, because I would go there, maybe a meeting was Tuesday night, and I would go there Tuesday afternoon and pick up the literature and maybe not bring in the money or the balance until later on in the week. Those accounts were kept and I am sure that Mr. Colton knew exactly what was doing as far as literature sales were concerned in the various branches.

Mr. TAVENNER. Do you know anything about the source of that material which he supplied for use by Communist Party professional cells?

Dr. PATTEN. No, other than it was ordered and, I assumed, purchased from various publishers. There was sometimes mimeographed party material which was given out at the same time and particularly an education directive, something like that, an educational outline to be handed out there.

Mr. TAVENNER. Have you exhausted recollection regarding the members?

Dr. PATTEN. I believe I have, Mr. Tavenner.

Mr. TAVENNER. Is there anything else that you desire to say to the committee regarding the circumstances under which you got out of the party, the fact that you broke completely from the party?

Dr. PATTEN. By way of amplification, I might say that I do not think that when I first dropped out I realized the extent to which I felt antagonism toward the methods and principles of the organiza-

tion. It may not have been only a partial revulsion that I felt until later when I saw, as an outsider, the functioning of Communists, people whom I had known previously as Communists, when I saw their functioning during the loyalty fight, I was thoroughly disgusted then. It may have taken that long. I do not think a person in the Communist Party wakes up one morning with a clear head and says, "I no longer feel as I have felt." This takes time, from the Communist standpoint there would be a dialectical process taking place at which at a certain point would bring about a recognition of the total change in a person's thinking and beliefs which might not have been recognized at first.

I think this experience of mine should be of value to other people, if you do not mind my saying just a few words along that line, Mr. Tavenner.

Mr. TAVENNER. I think it is quite appropriate that you do.

Dr. PATTEN. I am sure that there are people who dropped out of the Communist Party membership merely because they felt they disagreed with this or that or for security reasons—that felt they wanted to drop out or they were tired and wanted to divorce themselves from such activity. As time passes, I am sure that these people have more and more realized that they are not only no longer in sympathy with the objectives of the organization but that they are opposed to it, and yet they lack the impetus to speak before a committee such as this subcommittee and tell what they know. I think they should examine their own thoughts on the subject and find out whether they really believe what they used to believe or if they are free of that type of belief, and if the latter be their decision, then I think they should speak.

I cannot see that there should be fear on the part of anyone for loss of prestige or employment through doing something of this nature, and once they have arrived at the point where they realize that they are in opposition to what the Communist Party has tried to do as far as I knew it and what they are trying to do today, then they should be able to come out and speak freely. I can assure them of a couple of things. One is that this has not been a pleasant, or is not a pleasant experience for me now. I would much rather have stayed home, but it was something that I felt had to be done. It is done.

Everything is clear, open, aboveboard as far as I am concerned. If I have made myself some extra enemies as a result of this, then I trust that those are good people to have as enemies, and I trust that I have compensated for that by perhaps making a few good friends in the process.

I want to emphasize again that I do not intend to hurt anyone. I would like to personally urge anyone that I referred to to speak out clearly, and I think that they will find that it is much more pleasant rather than to go around harboring a feeling of guilt for what they may have done in the past. Because one made a mistake there is no reason why one should perpetuate that mistake. They might do much better by recognizing that it was a mistake, and giving evidence to anyone who cares to know that they have a deep feeling of loyalty to their Government and that they no longer feel as they felt.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. I cannot let this opportunity pass without telling you that you have made a greater contribution to the preservation of our great Republic than you probably realize. You say it is not

pleasant for you to sit there. Well, it is certainly far from pleasant for us Members of the Congress who have been selected to do this very distasteful job to sit where we are. I know of nothing that I would rather do less than what I am doing at this moment, but in the light of the boasts that have been made by Communist leaders in recent days, I think a challenge has been presented to people like yourself—people who can't escape the fact that since Korea there need be no question what the objective of the Communist Party is.

I was in Austria while the revolution was taking place. I talked with the young students, the disillusioned workers who revolted, and I want to say to you that if the stories told by those young people were broadcast in this land, there would be no workers or students interested in the philosophy of communism.

Yesterday, according to the editorial in San Francisco's leading newspaper, Dorothy Healey Connelly, the former chairman of the Communist Party in Los Angeles, rejoiced in what she termed "The greatest victory the Communist Party in America has ever received," referring to the decision of the Supreme Court. As a quotation, "It will mark a rejuvenation of the party in America. We have lost some members in the last few years," and mark you—this is the rest of the quote, "but now we are on our way."

I repeat, there is the challenge, and I trust that educated people such as you will accept that challenge, and they will say "We have examined communism just as the students and the workers in Hungary examined communism. We know what it is—a cruel, ruthless form of dictatorship, and we are going to enlist in the cause of preservation of this Republic of ours."

I want to thank you on behalf of not only the members of the committee, but of the Congress of the United States.

I do not feel that I am presumptuous when I say that because when the appropriation for this committee was voted on at this session of Congress, there was not one single vote against the appropriation which made it possible to continue this work. Not one single member, Democrat or Republican, voted against the continuation of this work.

I think that the Communists are going to be disappointed. The decision of the Supreme Court presents a setback for the moment, but in the light of the fact that in 37 instances the Supreme Court changed the law of the land, this decision did not come as too great a surprise to those of us who are charged with the responsibilities in the field, and I want to say to the Communists that we have accepted the challenge, and that we are going to press for the kind of legislation that even the Supreme Court will understand.

You are discharged with the thanks of this committee.

The committee will stand in recess until 2 o'clock.

(Whereupon, at 11:50 a. m., the committee was recessed, to reconvene, at 2 p. m., the same day.)

AFTERNOON SESSION—WEDNESDAY, JUNE 19, 1957

(Committee members present: Representatives Walter, Scherer, and McIntosh.)

The CHAIRMAN. The committee will be in order.

Mr. Tavenner, will you call your first witness, please?

Mr. TAVENNER. Mr. Morton Elkins.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELKINS. I do.

**TESTIMONY OF MORTON L. ELKINS, ACCOMPANIED BY
COUNSEL, LLOYD E. McMURRAY**

Mr. TAVENNER. Will you state your name, please, sir?

Mr. ELKINS. My name is Morton L. Elkins.

Mr. TAVENNER. Are you commonly addressed as Mort Elkins?

Mr. ELKINS. Well, possibly some people might call you Bill, some people call me Mort. That is a short rendition of my name.

Mr. TAVENNER. You are frequently called by the name of Mort, are you not?

Mr. ELKINS. Yes, quite often.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. McMURRAY. Loyd E. McMurray, 85 Market Street, San Francisco.

Mr. TAVENNER. Mr. Elkins, when and where were you born?

Mr. ELKINS. I was born in 1911 in Philadelphia, Pa.

Mr. TAVENNER. Where do you now reside?

Mr. ELKINS. I live in Richmond, Calif.

Mr. TAVENNER. How long have you lived in the State of California?

Mr. ELKINS. I have lived here since 1946.

Mr. TAVENNER. Have you lived in Richmond, Calif., during that entire period?

Mr. ELKINS. No; I have not.

Mr. TAVENNER. Where else have you lived in the State of California?

Mr. ELKINS. I have lived only in San Francisco with the exception of some summers away from San Francisco.

Mr. TAVENNER. Will you give us the dates, please.

Mr. ELKINS. I lived in San Francisco from 1946 until September of 1956 and I have lived at Richmond, Calif., since then. One or two summers I lived temporarily near Palo Alto, Calif.

Mr. TAVENNER. What is your trade or profession?

Mr. ELKINS. I am a warehouseman.

Mr. TAVENNER. Have you practiced any other trade or profession since you came to California?

Mr. ELKINS. Yes; I have been a teacher, I have been a punch-press operator and a carpenter.

Mr. TAVENNER. For what period of time were you engaged in the teaching profession, and where?

Mr. ELKINS. I taught in the years 1948 and part of 1949 as a substitute teacher in the San Francisco public school system and also a teacher in the adult night schools for one year, 1948 and part of 1949.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. ELKINS. I received a bachelor of arts in Temple University in Philadelphia, in 1933, and I received a master of arts from Stanford University in September of 1949.

Mr. TAVENNER. Will you tell the committee, please, how you have been employed in California other than the employment that you have already stated?

Mr. ELKINS. Mr. Counselor, I do not understand how a question about any of the other occupations which I might have had would be pertinent to your line of inquiry. Will you specify—

Mr. TAVENNER. You consider that your employment as a teacher is pertinent, but your other employment is not. Is that what I understand you to say?

Mr. ELKINS. I do not understand how any other question about employment is pertinent.

Mr. TAVENNER. We will let it rest for the moment, as it stands, that you have been employed for several periods of time in the teaching profession. Was that here in San Francisco?

Mr. ELKINS. That was here in San Francisco.

Mr. TAVENNER. The latest date of that employment was—you said you taught from 1948 and 1949 and then I understood you to say at some later date, but I am not sure of what you said.

Mr. ELKINS. I taught at no later date. My occupation as a school-teacher—I am not certain about the date—ended in November or December of 1949.

Mr. TAVENNER. I understood you to say you engaged in some type of night teaching after 1949.

Mr. ELKINS. I say, I do not make myself sufficiently clear. That position was done concurrently.

Mr. TAVENNER. Will you tell the committee, please, whether or not you know of the existence, that is, of your own personal knowledge, of the existence of a professional cell of the Communist Party in San Francisco at any time until the date that you left San Francisco in, I believe, 1956, to go to Richmond to live?

Mr. ELKINS. Mr. Counsel, I must in all conscience decline to answer this question for this reason: I believe that no governing body can compel any citizen to state how he thinks, talks, or who he associates with in the field of public discussion.

These rights are his own personal business, it seems to me, and so guaranteed by the first amendment to the Constitution, which states, and I quote:

Congress shall make no law abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the Government for redress of grievances.

That is my answer, sir.

Mr. TAVENNER. Let me explain that I have not asked you any question as to what you think or what you talk about or what you discuss in public discussions or who you associate with. I am asking you whether or not you know of the existence of a secret group of the Communist Party known as the Professional Section of the Communist Party in this city.

Let me repeat the question. Do you know of the existence or did you know of the existence of an organized group of the Communist Party known as the Professional Section of the Communist Party in San Francisco at any period prior to your departure in 1956 to take up your residence at Richmond?

Mr. ELKINS. Are you asking me if I have personal or direct knowledge?

Mr. TAVENNER. Yes. I am not asking about hearsay. I am asking if you have direct knowledge.

Mr. ELKINS. Look, in light of my statement, I would like to ask you, Aren't you asking me who I have been associating with?

Mr. TAVENNER. No, that was not the question. I am asking you if you know of the existence of such an ordinary group of the Communist Party.

Mr. ELKINS. I have difficulty in understanding actually, Mr. Counsel, your question. I have already stated that I would not answer any questions about any people I have associated with politically in the field of public discussion and it seems to me your question is perfectly relevant to the objection I have raised and it seems my answer still stands.

Mr. TAVENNER. You are indicating that you do not understand. I want to be certain that you do understand. I am asking you in plain language if you know of the existence of an organized secret group of the Communist Party in the city of San Francisco within the period that I previously mentioned. There should not be any difficulty on your part in understanding a simple question like that.

Mr. ELKINS. Mr. Counsel, how could I know of the existence of such a group unless I had an association with that group and knew the people in it?

Mr. TAVENNER. Do you mean unless you were a member of it? Is that what you mean to say?

Mr. ELKINS. No; I am merely saying how can anybody have any evidence of any relevancy except that they had direct associations with them, which I think your question is implying I had.

Mr. TAVENNER. In order to remove any possible confusion in your mind as to the character of the question, let me put the question on this basis: Were you a member of the Professional Section of the Communist Party in the city of San Francisco at any time prior to 1956, the time when you left to take up your residence at Richmond, Calif.?

Mr. ELKINS. Mr. Counsel, I want to decline to answer that question both on the grounds which I just read to you, and I want to further explain why I am not going to answer your question. As I understand it, the work of the committee is supposedly to investigate un-American and subversive acts, ideas, subversive acts and ideas and associations to see if a certain organization ought to be outlawed and look into the subversive influences and intellectual life in the Bay Area. To me that has no legitimate purpose in asking me about my ideas or associations. It is because you think they are evidence that I have been engaged in subversive acts or harboring subversive ideas. You have no legitimate interest in asking me about acts which you consider acceptable or patriotic, so it is not possible for me to discuss these matters with you no matter how much I want to. This is not a free forum for ideas. Suppose I do discuss any of the activities you may ask me about, if you feel they are subversive I may have to face the expense and danger of a Federal prosecution for subversive activity. If you have some informers' testimony other than mine I may be prosecuted for perjury.

I must therefore use the protection which the Constitution affords me for the innocent as well as the guilty, the protection of having to give testimony that may be used against myself.

Mr. TAVENNER. Since you have put your answer that way, I will ask you the question: Did you hear the testimony of Dr. Patten in which he identified you as a member of that group at a period around possibly 1946-48, in that general period? My question was: "Did you hear it?"

Mr. ELKINS. Yes; I heard him testify.

Mr. TAVENNER. You heard him identify you as a member of the professional group?

Mr. ELKINS. I did.

Mr. TAVENNER. Was he telling us the truth or not?

Mr. ELKINS. I feel, Mr. Counsel, I have already answered that question by the statement I have read and on both grounds.

Mr. SCHERER. It is not clear, Mr. Chairman, whether he is invoking the amendment or not, so I ask you to direct him to answer whether he is or not.

The CHAIRMAN. I understand him to mean that he declines to answer the questions because of the reasons given.

Mr. ELKINS. That is correct, sir.

Mr. SCHERER. The reasons he gave are not clear. Ask him the question so the record is clear.

Witness, are you refusing to answer the questions on the basis of the fifth amendment?

Mr. ELKINS. Mr. Scherer, I tried to make my answer clear. If it is not clear, would you ask the reporter to read it back, please.

Mr. TAVENNER. Mr. Chairman, that would be a complete loss of time. The witness can answer the question in three words.

Mr. ELKINS. Well, Mr. Scherer, I am sure that as a lawyer you know in what clause this language appears, and if you want me to specifically name the number of the clause of the Bill of Rights, it is No. 5 in the Bill of Rights.

Mr. SCHERER. I am sorry. This time I did not hear you.

Mr. ELKINS. I believe that you know that there is no other clause in the Constitution which contains this language except No. 5 of the Bill of Rights to the Constitution.

The CHAIRMAN. The section which protects a person against testifying against himself in a criminal proceeding, is that it?

Mr. ELKINS. Yes, sir; that is correct.

Mr. SCHERER. That is all I wanted to know.

The CHAIRMAN. I would like to remind you that this is not a criminal proceeding, nor are you being tried.

Mr. TAVENNER. The committee has been endeavoring to ascertain the extent, character, and objects of the Professional Section of the Communist Party here in California as of the present time as well as far enough back to indicate to this committee the progress that is being made and the extent of Communist Party work. You moved away from San Francisco in 1956. Have you any knowledge of Communist Party activities since you moved to Richmond, and remembering the question that you raised as to the meaning of that, I would change it and state, Have you been a member of the Communist Party at any time while you have been a resident at Richmond?

Mr. ELKINS. Mr. Counsel, the same answer I made to your previous question about Communist Party membership is still applicable here as far as I am concerned.

Mr. TAVENNER. Are you a member of the Communist Party?

Mr. ELKINS. The same answer, sir.

Mr. TAVENNER. Were you a member of the general executive board of Local 6 of the ILWU, and if so, when?

Mr. ELKINS. I am a little puzzled, Mr. Counsel. Is this committee investigating the International Longshoremen's and Warehousemen's Union?

Mr. TAVENNER. Not at all, sir. We are investigating the Professional Section of the Communist Party. We have evidence here that you were a member of this Professional Section of the Communist Party. I have information that you occupied the position that I just mentioned on the executive board of Local 6. I want to know and you are in a position to say what Communist Party activity, if any, you attempted to carry on in that position. I am not accusing the ILWU of taking any action on anything that you attempted to do, but I think we have a right to know what it is that this Professional Section is attempting to do.

Mr. ELKINS. As a member of the general executive board, I must preface my answer that this committee has come to San Francisco several times, and in 1953 it subpoenaed the president and treasurer-secretary of Local 6, and its last subpoena was issued to the secretary-treasurer of the International Longshoremen's and Warehousemen's Union. I can only conclude that this committee is hostile to the ILWU and as a member of the general executive board I must for that reason decline.

Mr. TAVENNER. Then I ask he be directed to answer.

The CHAIRMAN. You are directed to answer that question.

Mr. ELKINS. Mr. Counsel, what specific question? Would you mind repeating? What are you asking me?

Mr. TAVENNER. Will you read him the question, please.

(Question read by the reporter.)

Mr. ELKINS. I detected, I think, Mr. Counsel, at least two questions. Would you give me a single question?

Mr. TAVENNER. Which one would you rather have first?

Mr. ELKINS. That is your job as counsel.

The CHAIRMAN. I must remind the audience that you are here as the guests of the committee, and we will not tolerate any demonstrations of any sort.

Mr. TAVENNER. If you want to answer the question in each small detail, I will start by asking you this: When were you on the executive board of Local 6 of the ILWU?

Mr. ELKINS. Upon grounds previously stated I decline to answer that question.

Mr. TAVENNER. Very well, since you have answered that part of my question, let's go to another part.

Did you attempt in any manner to carry a Communist Party program into the ILWU?

Mr. ELKINS. Well, I must say that the word "program" covers an extremely broad range of subjects. Could you ask about one specific part or some narrow and final part?

Mr. TAVENNER. You are in a better position to know the answer to that.

Mr. SCHERER. May I interrupt. Did you carry any part, no matter how small, of the Communist program into the union?

Mr. ELKINS. Mr. Counsel, I do not know whether to direct my question to you or Mr. Scherer.

Mr. TAVENNER. To the Congressman. I yield to the Congressman.

Mr. ELKINS. What are the Communist programs that we are talking about?

Mr. SCHERER. I ask that the chairman direct the witness to answer the question.

The CHAIRMAN. You are directed to answer the question.

Mr. ELKINS. I decline to answer on the grounds previously stated.

Mr. TAVENNER. Mr. Elkins, the committee at this hearing and at numerous previous hearings has inquired into the Communist Party activities in the San Francisco Labor School. Information has come to our attention that you attended that school under the GI bill of rights. Is that correct?

Mr. ELKINS. Mr. Counsel, in light of the interests of this committee in that organization and in the light of the testimony given concerning that organization, I believe I must decline to answer on the same grounds.

Mr. TAVENNER. The committee has been concerned about the use of Federal funds in the education of young men who have joined the Communist conspiracy and are undertaking to carry on their work at Communist-supported and manned schools. Did you receive Federal Government assistance while in attendance at that school?

Mr. ELKINS. The same answer, sir.

Mr. TAVENNER. Why did you not inform the committee as to your period of enlistment at that school when I asked you to give us an account of your formal educational training?

Mr. ELKINS. I understood, sir, that by formal you meant study leading to accredited degrees and diplomas.

Mr. TAVENNER. That is interesting. You did not consider that that was that type of school. Then tell us what type of a school it was.

Mr. ELKINS. I believe I have already clearly indicated in my reply to that, and my reasons for that, and I repeat that I decline to answer on the previously stated grounds.

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. Mr. Scherer?

Mr. SCHERER. At the beginning of your examination, Mr. Counsel, you asked the witness about other employment. You indicated that you were coming back to that. Do you want to pursue that further?

Mr. TAVENNER. You may go ahead.

Mr. SCHERER. Witness, what other employment did you have other than that which you gave us in your initial testimony?

Mr. ELKINS. Mr. Congressman, I am still not enlightened as to the pertinence of this question to this inquiry.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question with respect to what other employment he had, other than what he told us in his initial interrogation by counsel for this committee.

The CHAIRMAN. It seems to me a preliminary question and I direct you to answer the question.

Mr. ELKINS. I can only remark, Mr. Chairman, that as a preliminary question it is coming rather at the close of the testimony, but I would like to decline to answer that on the same grounds as I have already given.

Mr. SCHERER. Did you ever receive any compensation directly or indirectly from the Communist Party?

Mr. ELKINS. The same answer as before, sir.

Mr. SCHERER. Were you ever employed by the Communist Party?

Mr. ELKINS. The same answer.

Mr. SCHERER. I have no further questions.

The CHAIRMAN. The witness is excused.

Mr. TAVENNER. Mr. Thomas D. Hardwick, will you come forward, please.

The CHAIRMAN. Will you raise your right hand, please.

Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HARDWICK. I do.

The CHAIRMAN. Proceed, Counsel.

TESTIMONY OF THOMAS (D.) HARDWICK, ACCOMPANIED BY
COUNSEL, LLOYD E. McMURRAY

Mr. TAVENNER. Will you state your name, please, sir.

Mr. HARDWICK. My name is Thomas Hardwick.

Mr. TAVENNER. Spell your last name.

Mr. HARDWICK. H-a-r-d-w-i-c-k.

Mr. TAVENNER. It is noted that you are accompanied by the same counsel as the former witness.

When and where were you born, Mr. Hardwick?

Mr. HARDWICK. I was born in Chicago, Ill., 1908.

Mr. TAVENNER. Where do you now reside?

Mr. HARDWICK. Richmond, Calif.

Mr. TAVENNER. How long have you lived in Richmond?

Mr. HARDWICK. I would say about 3 or 3½ years.

Mr. TAVENNER. How long have you lived in the State of California?

Mr. HARDWICK. If my memory is correct, since December of 1945.

Mr. TAVENNER. Where have you lived in California since December of 1945?

Mr. HARDWICK. When I was discharged from the Army I lived previously in Los Angeles and then I moved to San Francisco.

Mr. TAVENNER. When did you move to San Francisco? In what year?

Mr. HARDWICK. In the early or middle part of 1946 if I remember correctly.

Mr. TAVENNER. How long did you remain in San Francisco?

Mr. HARDWICK. If my memory is correct, a few months and then I moved to Berkeley, Calif.

Mr. TAVENNER. How long were you a resident of Berkeley? Just take it from there and bring it on up to the time that you moved to Richmond.

Mr. HARDWICK. I may be off a month or two. I am trying to remember approximately. I moved to Berkeley, Calif., and lived there, I should say, about 2 years.

Mr. TAVENNER. That would be 1946 to 1948, approximately?

Mr. HARDWICK. Yes, approximately.

I then moved back to San Francisco and lived there until—What date do you have now?

Mr. TAVENNER. You said you were in Berkeley between 1946 and 1948.

Mr. HARDWICK. That is approximately.

Mr. TAVENNER. While you were there, what was your employment in Berkeley during that period of time.

Mr. HARDWICK. I was working in San Francisco. I was working for a trade union.

Mr. TAVENNER. A trade union?

Mr. HARDWICK. That is right.

Mr. TAVENNER. What trade union?

Mr. HARDWICK. United Office and Professional Workers.

Mr. TAVENNER. Let me ask you this: In what capacity?

Mr. HARDWICK. Not during that complete time, however. Part of that time or approximately the last year or 9 months when I was living in Berkeley I was attending the University of California as a student.

Mr. TAVENNER. What was the nature of your employment by the United Office and Professional Workers of America?

Mr. HARDWICK. I was working there.

Mr. TAVENNER. Proceed.

Mr. HARDWICK. After leaving San Francisco, I moved back to San Francisco; I am pretty sure it was in 1948, and I lived in San Francisco until some time in 1950.

Mr. TAVENNER. What was your employment during that period?

Mr. HARDWICK. I was a school teacher.

Mr. TAVENNER. Where?

Mr. HARDWICK. The Burlingame High School, Burlingame, Calif.

Mr. TAVENNER. That brought us up to 1950. Just proceed.

Mr. HARDWICK. You are talking about residence now?

Mr. TAVENNER. Yes.

Mr. HARDWICK. It may have been the latter part of 1950 or the early part of 1951 I moved, re-moved, to Berkeley, Calif.

Mr. TAVENNER. How long did you remain there?

Mr. HARDWICK. I would say a year, possibly between a year and a year and a half.

Mr. TAVENNER. So that would be between 1952 or 1953. Where did you go from Berkeley? Just a moment.

Before you answer that question, what was your employment in Berkeley this second period from 1950 or 1951 to 1952 or 1953?

Mr. HARDWICK. I was a student at the University of California.

Mr. TAVENNER. Where did you go from Berkeley?

Mr. HARDWICK. I know where I went but I am not sure of the months. I may have lived about another 6 months more in Berkeley than what I told you, approximately, and I then moved to San Francisco. I lived in San Francisco, I should say 6 or 7 months.

Mr. TAVENNER. How were you employed in San Francisco on that occasion?

Mr. HARDWICK. No, I was employed in San Francisco.

Mr. TAVENNER. How were you employed while you were in San Francisco?

Mr. HARDWICK. Are you referring to this latter period?

Mr. TAVENNER. This latter period of 6 or 7 months?

Mr. HARDWICK. I was working in a factory in East Bay, in Emeryville or Oakland.

Mr. TAVENNER. You were employed in a factory?

Mr. HARDWICK. Yes.

Mr. TAVENNER. Did you leave there and go to Richmond or did you go some other place first?

Mr. HARDWICK. No; I was living in San Francisco and working in the East Bay, and I then moved to Richmond.

Mr. TAVENNER. That is what I asked. Very well.

Tell the committee, please, Mr. Hardwick, briefly what your educational training has been. You have given us part of it. You may have covered all of it but it would be better to state it more succinctly.

Mr. HARDWICK. I graduated from grammar school in Wilmette, Ill. I graduated from high school in Illinois and I graduated from Northwestern University in Evanston, Ill. I graduated from the University of Chicago, Chicago, Ill. I returned to Northwestern University for graduate work——

Mr. TAVENNER. When was that?

Mr. HARDWICK. I would say in 1933. Let me check that date a moment.

As I remember, I returned one semester in 1932 to Northwestern and then later in 1934 I returned again for graduate work at Northwestern.

I have taken courses at the New York School of Social Work. I suppose they would be called graduate courses. I have taken courses at the University of California, one semester in the school of education which I suppose would be termed "graduate work" and I believe another full year of graduate work in the graduate school of arts and sciences. I believe that covers it.

Mr. TAVENNER. I understood you to say that you served in the Armed Forces of the United States.

Mr. HARDWICK. Yes; I did.

Mr. TAVENNER. Over what period of time?

Mr. HARDWICK. From April of 1941 until December of 1941 and from February of 1942 until December of 1945. I believe that makes a total of 52 months.

Mr. TAVENNER. You remember that right to the month. Is there anything about your military service that you desire to mention? I will give you the opportunity to do so. I am not asking you to. I am just merely giving you an opportunity to do so.

Mr. HARDWICK. Well, after 29 months overseas I wanted to come home, of course.

Mr. TAVENNER. I notice it was not long after you came home until you came to California.

Mr. HARDWICK. As a matter of fact, there was no break. I was discharged from the Army in California and with the exception of short vacation periods I believe I have not been out of the State since then.

Mr. TAVENNER. Since that time, since you were discharged from the Army up until the present time, have you been aware of the existence of an organized group of the Communist Party, a secret group, known as the Professional Section of the Communist Party in San Francisco or other places in California?

Mr. HARDWICK. I must decline to answer that question, Counsel, because I feel the question is in an area where Congress is forbidden by the first amendment to legislate and where I feel that this committee or any other committee——

Mr. TAVENNER. Excuse me. You say you think Congress is forbidden to legislate in the field of Communist Party activities? We have had on our statute books since 1950 the Internal Security Act. Of course the constitutionality of it is still being tested but it is within the field of congressional action.

Mr. HARDWICK. I get from what you say, Mr. Counsel, that you are saying that there is a variety of views on this subject. You have stated one and I have stated another.

Mr. TAVENNER. Very well, will you proceed to answer.

Mr. HARDWICK. I must decline to answer the question on the ground that I do not believe that this committee or any other can properly inquire into matters dealing with freedom of speech, association, and I further decline to answer the question on the basis that I do not feel that I have to testify against myself, and I mean by that the fifth amendment, which in my lay understanding, the gist of the portion I am referring to means that if someone is out to get you, you don't have to tell them.

Mr. TAVENNER. You also take the view that you will not help your country to determine what the extent of Communist Party intrigue is in this country. Is that what I understand you to mean?

Mr. HARDWICK. I am afraid, Mr. Counsel, that this question is one that I can only reply to as I replied to previous questions.

The CHAIRMAN. In other words, you decline to answer the question for the reasons that you gave in declining to answer the last question?

Mr. HARDWICK. That is right.

Mr. TAVENNER. You are now living and have lived for 3 years at Richmond. Have you been a member of a professional cell of the Communist Party during any of that period of time, that is, the 3 years that you have been at Richmond?

Mr. HARDWICK. I am afraid, Mr. Counsel, I must decline to answer that question also on the same grounds that I previously stated.

Mr. TAVENNER. Prior to that you were in San Francisco for a period of 7 to 8 months. Were you a member of the Professional Section of the Communist Party in San Francisco at any time during that period?

Mr. HARDWICK. My answer to that question, Mr. Counsel, is the same as my previous answer, and on the same grounds.

Mr. TAVENNER. You were in Berkeley, Calif., between 1950 and 1953. Were you a member of a professional cell of the Communist Party in Berkeley during that period?

Mr. HARDWICK. I must decline to answer that question, Mr. Counsel, on the same grounds as I have previously given.

Mr. TAVENNER. Between 1948 and 1950 you were engaged as a school-teacher in San Francisco. You have been identified while being a teacher as having been a member of the Professional Section of the Communist Party by Dr. Patten. I assume you heard his testimony. Was that identification of you correct or was it wrong?

Mr. HARDWICK. May I get your question, Mr. Counsel, a little more clearly because I have never taught school in San Francisco.

Mr. TAVENNER. Where did you teach school between 1948 and 1950?

Mr. HARDWICK. I believe I said in Burlingame, Calif.

Mr. TAVENNER. In a high school there?

Mr. HARDWICK. Yes.

Mr. TAVENNER. During that period of time were you a member of the Professional Section of the Communist Party in San Francisco?

Mr. HARDWICK. If I may, sir, I think in clarifying your original question as to where I taught, I got the impression that you were asking me about the testimony of the previous witness.

Mr. TAVENNER. Yes, Dr. Patten.

Mr. HARDWICK. I heard that testimony, sir.

Mr. TAVENNER. Was it true or not?

Mr. HARDWICK. As I heard the testimony, the witness testified that he was in need of psychiatric care.

Mr. TAVENNER. Just a moment. Will you answer the question?

Mr. HARDWICK. I would therefore, sir, decline to answer the question on the grounds which I have previously stated.

Mr. TAVENNER. Because of that and not because it is truthful or untruthful but for this other reason that you have mentioned?

Mr. HARDWICK. I must decline to answer the question on the grounds which I have already stated.

The CHAIRMAN. Do you mean the fifth amendment? Is that what you mean, plus the other grounds? Let him answer the question.

Mr. HARDWICK. To clarify that, on all of the grounds that I have previously stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Scherer?

Mr. SCHERER. You were in the Army from 1941 to 1945 with the exception of a few months. Were you a member of the Communist Party at the time you were in the Army of the United States?

Mr. HARDWICK. I must, Mr. Congressman, decline to answer that question on the same grounds as I have previously stated.

Mr. McINTOSH. Are you a member of the Communist Party as of today?

Mr. HARDWICK. If I answered that question, Mr. Congressman, that I am not now a member of the Communist Party, I feel that I would be admitting your right to ask that question, and I do not admit that right and because the principle of free speech and free association and free ideas are more important than my individual answer, I decline to answer on the basis of the first amendment and the fifth amendment that I do not have to testify against myself.

The CHAIRMAN. The witness is excused.

Proceed, Mr. Tavenner.

Mr. TAVENNER. George Hitchcock.

The CHAIRMAN. Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HITCHCOCK. I do.

The CHAIRMAN. Proceed.

TESTIMONY OF GEORGE HITCHCOCK, ACCOMPANIED BY COUNSEL, CHARLES SOLOMON

Mr. TAVENNER. Will you state your name, please.

Mr. HITCHCOCK. George Hitchcock.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. SOLOMON. Charles Solomon, 38 Pacific Avenue.

Mr. TAVENNER. When and where were you born, Mr. Hitchcock?

Mr. HITCHCOCK. I was born early on the bright June 2, 1914, in Hood River, Oreg., where the delicious apples come from.

Mr. TAVENNER. Where do you now reside?

Mr. HITCHCOCK. San Francisco, Calif.

Mr. TAVENNER. How long have you lived in San Francisco?

Mr. HITCHCOCK. Twenty-two years.

Mr. TAVENNER. What is your occupation or profession?

Mr. HITCHCOCK. My occupation is a gardener.

Mr. TAVENNER. What is your profession?

Mr. HITCHCOCK. My profession is a gardener. I do underground work on plants.

Mr. TAVENNER. Mr. Hitchcock, upon the change of the propaganda issued from Moscow, this committee invited a number of specialists who have had experience in foreign countries and in this country in the field of Communist activities to give this committee their views regarding the objects and purposes of the change in the Communist Party line. The committee issued a pamphlet, a symposium on these matters entitled "The Great Pretense." I believe there are as many as 39 people who contributed to it, and it is significant that a number of those who did contribute to it were of the opinion that the Communist Party which had refused prior to that time to accept the Trotskyites—in fact, they were at war with the Trotskyites—and who had refused to accept Socialists, because they thought Socialists were mere reformers are now endeavoring to form a united front to take in those which had been its former enemies.

For instance, Harry Schwartz stated:

World communism is now embarked upon the most skillful and seductive foreign policy in its history. It appears to the world wearing a mask of friendship, benevolence, and love of peace as never before. It stretches out the hand of friendship to Socialists, ignoring the past Communist attacks upon and murders of Socialists. It appeals to every element in every country that can possibly be induced to turn against the United States.

Another prominent individual in this field, Mr. Anthony Bouscaren, stated this:

The leaders of the Soviet Union have launched a new tactical maneuver which is fraught with dangers for the United States. As a result of the February 1956 meeting of the Communist Party of the Soviet Union, the forces of international communism have adopted new tactics to accomplish three objectives: (1) Appeasement of discontent within the Soviet sphere; (2) extension of neutralism abroad through a united front with socialism; (3) weaken and discredit anti-Communists within the United States.

Another, Mr. Gerhart Neimeyer, stated that among the new lines which Khrushchev's announcement portrayed is this:

* * * the idea of cooperation with other Socialists and especially Socialist Democrats.

Now, there has come to my attention an article from the Militant, dated March 10, 1957, at page 3, which is an official organ of the Socialist Workers Party, and I read:

SAN FRANCISCO. The third meeting of the organizing committee of the Independent Socialist Forum was held last month. Chairman was George Hitchcock, a playwright connected with the Interplayers Theaters Group of San Francisco. Mr. Hitchcock is recognized as the chief organizer of the Independent Socialist Forum.

Were you the chairman of the Independent Socialist Forum at the time that I mentioned, March 10, 1957?

Mr. HITCHCOCK. Yes.

Mr. TAVENNER. Were you a member of the Communist Party at that time?

Mr. HITCHCOCK. On this question I should like to say first that I am not now a member of the Communist Party, as the committee well

knows, and all my friends know. However, I shall decline to answer any further questions of my past associations or political beliefs on the following grounds:

The first ground is under the protection afforded me by the first amendment which stipulates that Congress and committees shall pass no laws interfering with my privileges for free speech and rights of assembly and the like.

The second is the ground of the fifth amendment which says that I may not be forced to testify against myself, and the third is the grounds that this hearing is a big bore and a waste of the public's money.

The CHAIRMAN. That is the biggest audience you have ever played before.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. Mr. Hitchcock, you say you are no longer a member of the Communist Party. Were you a member of the Communist Party in February 1956?

Mr. HITCHCOCK. Counsel is not so naive to expect me to answer the question. I have already given my grounds.

Mr. SCHERER. I ask that the chairman direct the witness to answer.

Mr. HITCHCOCK. I must decline to answer the question on the grounds previously stated which involve my protection under the first amendment and the fifth amendment and any other amendments that may be relevant.

Mr. TAVENNER. Are you aware of any plan of the Communist Party to propagate the line which these specialists have stated in their opinion it was the purpose of the Kremlin to accomplish, namely, to unite with the Communist Party Socialists, the Trotskyites, or we may say the Socialist Workers Party in a united front with the Communist Party?

Mr. HITCHCOCK. Really, Counsel, you do not expect me to answer that one, either, do you?

The CHAIRMAN. You are directed to answer the question.

Mr. HITCHCOCK. I must decline to answer the question on the grounds already stated, including the first amendment and the fifth amendment.

I may further add as an Irishman though—

Mr. McINTOSH. As a matter of curiosity, you said with the rather broad gesture that all of your friends know you are not a Communist today. How would they gain such knowledge?

Mr. HITCHCOCK. I must decline that one, Mr. Congressman, also on the same grounds.

Mr. SCHERER. When was it that this article said he was chairman of this Socialist group?

Mr. TAVENNER. March 10, 1957.

Mr. SCHERER. Were you a member of the party on March 10, 1957?

Mr. HITCHCOCK. Am I directed to answer that question?

The CHAIRMAN. Yes; you are directed to answer the question.

Mr. HITCHCOCK. Congressman, I must decline to answer that question on the same grounds as I have already indicated, the first, second, third, fourth, fifth, and other amendments.

Mr. SCHERER. Did you resign from the Communist Party so you could assume the chairmanship of this Socialist Party group?

Mr. HITCHCOCK. Am I directed to answer that question?

The CHAIRMAN. Yes; you are so directed.

Mr. HITCHCOCK. I must decline to answer that question on the grounds already cited including the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, and 10th amendments, including the 5th.

Mr. TAVENNER. You have posed a very interesting situation here. You say that you and your friends know that you are not a member of the Communist Party now, but you decline to state whether or not you were on March 10, 1957, just a few months ago.

Mr. HITCHCOCK. Counsel knows perfectly well——

Mr. TAVENNER. Wait just a minute. What has occurred or transpired since March 10, 1957, that would cause you to make such wide and divergent answers as to those two dates?

Mr. HITCHCOCK. Counsel knows perfectly well that this type of questioning is an attempt at entrapment and I have no intention of answering.

Mr. SCHERER. I think the testimony of what these men said in the symposium is true.

Mr. HITCHCOCK. That is your inference, Congressman.

Mr. SCHERER. Were you a member of the Communist Party yesterday? You said you are not today.

Mr. HITCHCOCK. That is a delightful question. Am I directed to answer it?

The CHAIRMAN. You are directed to answer it.

Mr. HITCHCOCK. I must decline; I wish to decline; I do decline.

Mr. TAVENNER. The article I referred to states that this was the third meeting of the organizing committee of the Independent Socialist Forum. Will you tell me when the other two meetings occurred?

Mr. HITCHCOCK. I don't remember the specific dates but they were earlier this year, prior to that.

Mr. TAVENNER. Your position calls for further questioning about this. When you became active in this work apparently your position in the Communist Party changed.

Mr. HITCHCOCK. That is an inference.

Mr. TAVENNER. Just a moment.

Mr. SCHERER. Is his inference incorrect?

Mr. HITCHCOCK. Am I directed to answer that?

The CHAIRMAN. Yes, you are.

Mr. HITCHCOCK. I must decline to answer that question on the grounds of the first, second, third, fourth, and fifth amendments.

Mr. TAVENNER. I think it is of interest and importance to know where the leadership of the Communist Party here in San Francisco fell out with you over your work in the Socialist Party or that they were unwilling to go along with international communism, the line of which was pretty well indicated by Khrushchev.

Mr. HITCHCOCK. That is a statement. You said it. It would be interesting. I don't doubt it.

Mr. TAVENNER. You can supply the answer to it, can't you?

Mr. HITCHCOCK. I shan't.

Mr. TAVENNER. You said you shan't?

Mr. HITCHCOCK. I shan't if I could. You are putting hypothetical questions in my hand—I mean in my mouth.

Mr. TAVENNER. What did happen between you and the Communist Party?

Mr. HITCHCOCK. Am I directed to answer that?

The CHAIRMAN. Yes.

Mr. HITCHCOCK. I must decline to answer on the grounds of the first, second, third, fourth, and fifth amendments.

Anything more?

The CHAIRMAN. Be patient.

Mr. TAVENNER. Prior to your taking the position of chairman of the Independent Socialist Forum, did you have a considerable period of training within the ranks of the Communist Party?

Mr. HITCHCOCK. Really, Counsel, that is a naive question. You do not expect me to answer.

Mr. SCHERER. I ask that you direct the witness to answer.

The CHAIRMAN. Have you completed the question?

Mr. TAVENNER. Yes, sir.

Mr. HITCHCOCK. I must decline to answer the question on the grounds previously stated.

Mr. TAVENNER. Is this information regarding you correct? It appears from the Western Worker, the issue of July 12, 1937, as early as that date, you were elected the educational director of the Young Communist League.

Mr. HITCHCOCK. You are certainly going a long way back, aren't you, Congressman, Senator?

Mr. TAVENNER. We would like to know how experienced you are in the field.

Mr. HITCHCOCK. Am I directed to answer it?

The CHAIRMAN. You are directed to answer it.

Mr. HITCHCOCK. I decline to answer it on the grounds of the first, second, third, fourth, and sixth amendments.

Mr. SCHERER. What is the third amendment?

Mr. HITCHCOCK. I am not a lawyer. I leave that to you. I just throw it in.

The CHAIRMAN. I must again remind the audience that you are here as guests of the committee. This is serious committee business. You may think it is funny, but we do not.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. In the year 1937 while a member of the Young Communist League were you editor of New Frontiers, the official yearbook of the Young Communist League?

Mr. HITCHCOCK. I again have no intention of answering it. Are you directing that I answer?

The CHAIRMAN. Yes; you are directed.

Mr. HITCHCOCK. I must decline to answer on the grounds of the first, second, third, fourth, and fifth amendments. You are going a long way back, Senator.

Mr. SCHERER. We come up to date. I put it to you as a matter of fact, and ask you to affirm or deny if it is not a fact, at the direction of the Communist Party in accordance with its new programs outlined by these writers, you did not resign from the Communist Party and accept the chairmanship of the Independent Socialist Forum.

Mr. HITCHCOCK. Am I directed to answer that question?

The CHAIRMAN. Yes; you are directed to answer the question.

Mr. HITCHCOCK. I must decline to answer that question on the grounds of the first, second, third, fourth, and fifth amendments. My attorney just told me that the third amendment has to do with the quartering of soldiers during time of war.

Mr. TAVENNER. According to the investigation that the committee has made, you have been very experienced in the field of education, of a certain character. For instance, according to the People's World of September 4, 1946, it is reported that you had been appointed trade-union director of the California Labor School. Is that correct?

Mr. HITCHCOCK. Am I directed to answer that question?

The CHAIRMAN. Yes; you are directed to answer the question.

Mr. HITCHCOCK. I must decline to answer that question on the grounds previously stated, including the first and fifth amendments.

Mr. TAVENNER. We find that the 1947 catalog of the California Labor School lists you as a member of the staff of that school during that year; is that correct?

Mr. HITCHCOCK. Am I directed to answer that question, Congressman?

The CHAIRMAN. Yes; you are so directed.

Mr. HITCHCOCK. I must decline to answer it on the grounds previously stated.

Mr. TAVENNER. The Daily People's World of February 6, 1948, discloses that you had evidently changed your position at the California Labor School and were now teaching comparative philosophy at that school and, according to the issue of April 6, 1948, of the same paper, you were still teaching at that school, your subject being modern philosophy. According to the issue of June 7, 1948, of the same paper, there were a number of seminars to be held by that school and, on August 13 and 14, you were part of a panel. An issue of the same paper printed announcement of the summer program for 1948 and that, on August 6, 7, and 8, you were to participate on a panel organized by it, and then again on December 28, 1949, and in January 1950 you were to conduct courses at the California Labor School. Is that record of your teaching at the California Labor School substantially correct?

Mr. HITCHCOCK. I think, learned Counsel, I would decline to answer that on the grounds previously stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. What is this Independent Socialist Forum, Mr. Hitchcock?

Mr. HITCHCOCK. It is a forum devoted to nonsectarian and non-partisan discussions and education around Socialist questions. The members of the committee are welcome to be of any political persuasion on the left. We try very carefully to see that it is not controlled by any party or organization on the left. It is simply a forum for discussion for people who are interested in radical ideas in the city of San Francisco to get together in public and discuss those ideas for any audience that cares to come. We would be happy to invite you Congressmen, if you would like to come.

Mr. McINTOSH. Has your forum had occasion to discuss the recent announcement of the Chinese Communist dictator of the liquidation of some 800,000 Chinese citizens between 1949 and 1954?

Mr. HITCHCOCK. That has not come up yet, but there is no reason why it should not be.

Mr. McINTOSH. Is it on the agenda?

Mr. HITCHCOCK. I did not say it is on the agenda, but people have full opportunity to discuss any point of view, the only general limita-

tion being that they be of interest to the Socialist public or people interested in ideas. We entertained as our guest, for your information, at a very recent meeting, the west-coast director of the National Association of Manufacturers who wished to discuss the question of socialism—against—and that is the sole function of this organization.

It is completely public, and if you would care to appear on the platform I am sure you would be very welcome to appear. That is all. There is nothing else. We don't take any stand and we don't have any position apart from that.

Mr. SCHERER. When Mr. Tavenner asked about your occupation you said you are a gardener.

Mr. HITCHCOCK. That is correct.

Mr. SCHERER. Do you have any other occupation?

Mr. HITCHCOCK. I have hobbies. It was released to the newspapers that I am an actor but if I am supposed to be a pillar of the entertainment business in San Francisco, they are barking up the wrong tree. I have acted in the theater occasionally for the fun of it.

Mr. McINTOSH. We pay \$9 a day for it.

Mr. HITCHCOCK. I thought I would get some in on the television people.

The CHAIRMAN. The witness is excused.

The committee will stand in recess.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Mr. TAVENNER. Mr. Sidney Rubin, will you come forward, please.

The CHAIRMAN. Raise your right hand, please.

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RUBIN. I do.

The CHAIRMAN. Proceed, Mr. Tavenner.

TESTIMONY OF SIDNEY RUBIN, ACCOMPANIED BY COUNSEL, LAWRENCE SPEISER

Mr. TAVENNER. Will you state your name, please, sir.

Mr. RUBIN. Sidney Rubin.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. SPEISER. Lawrence Speiser, attorney-at-law, 690 Market Street, San Francisco.

Mr. TAVENNER. Spell your name, please, sir.

Mr. RUBIN. R-u-b-i-n.

Mr. TAVENNER. When and where were you born, Mr. Rubin?

Mr. RUBIN. December 24, 1913, Pueblo, Colo.

Mr. TAVENNER. Where do you now reside, Mr. Rubin?

Mr. RUBIN. Marin County, Calif.

Mr. TAVENNER. How long have you lived in California?

Mr. RUBIN. This latest period approximately 5 years.

Mr. TAVENNER. You indicate that you have lived in California on more than one occasion.

Mr. RUBIN. Three occasions—four, to be exact.

Mr. TAVENNER. Tell us when you first came to California and give us the periods of your residence and the location of your residence during each period.

Mr. RUBIN. I attended the University of California at Los Angeles in 1933 and 1934. I returned to San Francisco in 1939. I should not say returned. I came to San Francisco in 1939. I accepted employment and remained here for approximately 6 months in 1939.

Mr. TAVENNER. What was the type of employment that you had?

Mr. RUBIN. I was the supervisor on the WPA research project. Next I returned to California, also again to San Francisco in 1943, January. I remained here until September of 1946.

Mr. TAVENNER. What was the nature of your employment during that period?

Mr. RUBIN. I was employed by the National Labor Relations Board until 1944 at which time I returned to school to take my doctor of philosophy at Berkeley.

Mr. TAVENNER. That brings you up to September 1946?

Mr. RUBIN. That is correct. I lived in Oregon for 6 years—from 1946 until 1952.

Mr. TAVENNER. Since 1952?

Mr. RUBIN. I have lived in Marin County.

Mr. TAVENNER. What was the nature of your employment in Oregon from 1946 to 1952?

Mr. RUBIN. I was associate professor of economics at the Oregon State College.

Mr. TAVENNER. Then you say beginning with 1952 you returned to California?

Mr. RUBIN. Correct.

Mr. TAVENNER. Where have you resided since then?

Mr. RUBIN. In Marin County.

Mr. TAVENNER. And your employment?

Mr. RUBIN. I am an accountant.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your education, your formal educational training has been. I know that would include some of the matters you have already mentioned, but repeat them, please.

Mr. RUBIN. I have a bachelor of arts from the University of Washington, doctor of philosophy from the University of California—all economics.

Mr. TAVENNER. Did you spend a period in the armed services?

Mr. RUBIN. I did not.

Mr. TAVENNER. Where is Marin area with reference to San Francisco?

Mr. RUBIN. Marin County is north of San Francisco County. I answer that question that way because I lived in San Raphael area when I first moved to California and I now live in an incorporated area.

Mr. TAVENNER. How far is that from San Francisco?

Mr. RUBIN. I would surmise 13 miles.

Mr. TAVENNER. Mr. Rubin, were you a member of a professional cell of the Communist Party in San Francisco at any of the periods of time that you worked there or in a nearby area?

Mr. RUBIN. In respect to the question, I wish to make the following objections: One, the committee's authorizing resolution and the

subject of the hearings as announced by the committee are vague and indefinite in that they fail to inform me of the nature and purpose and the extent and limitations of the hearing, or the matters about which I have been called to testify. Therefore, the question posed is not pertinent or relevant to any legitimate, valid, definite legislative purpose and thus violates my rights under the due process clause of the fifth amendment as held by the United States Supreme Court in *United States v. Watkins*, decided this week.

The first amendment prohibits the Congress from passing any laws infringing on freedom of speech, conscience, and assembly. The mandates of this committee and the purposes announced at this hearing are unconstitutional in attempting to authorize it to investigate into an area for which the Constitution forbids it to legislate.

Questions asked of me concerning my political beliefs and associations under the circumstances of these hearings abridge my rights of freedom of speech and association protected by the first amendment. The inquiry of the committee and the purposes of this committee are inquiries into private affairs unrelated to any valid legislative purpose under Article I of the Constitution and are solely designed for the purpose of exposing myself and others to publicity and ridicule.

This committee's summoning of me is for the purpose of placing me on trial without any of the rights guaranteed me by the due process clause of the fifth amendment, and the sixth amendment which afford me the right of notice of adequate time to prepare defense, the right of cross-examination, and the presumption of innocence.

This committee's inquiries infringe on the rights under the 9th and 10th amendments. The hearing and the committee's inquiries are unconstitutional infringements by the Legislature into the jurisdiction of the judiciary which has the sole power to place me on trial and inquire into my personal conduct.

I have objected to the questions for these 7 stated reasons.

The CHAIRMAN. Do you decline to answer the question?

Mr. RUBIN. I also decline to answer the questions for these stated reasons in addition to the right not to be compelled to testify against myself as guaranteed by the fifth amendment of the Constitution.

The CHAIRMAN. As I understand it, then, you objected to the questions for the reasons stated, and you declined to answer under the provisions of the fifth amendment?

Mr. RUBIN. For the reasons stated and the fifth amendment.

Mr. TAVENNER. Mr. Rubin, the committee is endeavoring to ascertain the present activities of the secret group of the Communist Party within the professions in San Francisco and the nearby area. It is understood that you live within 13 miles at the present time of the city of San Francisco, so I want to ask you if you have any knowledge of the operations of a secret professional group of the Communist Party as of this time.

Mr. RUBIN. I object to the question for the reasons previously stated.

The CHAIRMAN. You are directed to answer the question.

Mr. RUBIN. I decline to answer the question for the reasons previously stated, including the fifth amendment.

Mr. TAVENNER. Are you a member of the Professional Section of the Communist Party in San Francisco at this time?

Mr. RUBIN. I object to the question for the reasons previously stated.

Mr. TAVENNER. While living in Seattle, Wash., were you a member of a branch of the Communist Party?

Mr. RUBIN. I object to the question for the reasons previously stated.

Mr. TAVENNER. May I have a direction?

The CHAIRMAN. You are directed to answer the question.

Mr. RUBIN. I decline to answer the question for the reasons previously stated.

Mr. TAVENNER. You stated that you were employed by the National Labor Relations Board. Over what period of time were you so employed?

Mr. RUBIN. From 1942 into 1944.

Mr. TAVENNER. Where did that employment take place?

Mr. RUBIN. Denver, Colo.; Kansas City, Mo.; San Francisco, Calif.

Mr. TAVENNER. Were you acquainted with Philip Reno?

Mr. RUBIN. I decline to answer the question for reasons previously stated.

Mr. TAVENNER. Were you acquainted with Prof. Fuchs?

Mr. RUBIN. Repeat the name.

Mr. TAVENNER. Fuchs, Prof. Herbert Fuchs.

Mr. RUBIN. I object to the question for reasons previously stated.

The CHAIRMAN. You are directed to answer the question.

Mr. RUBIN. I decline to answer the question for reasons previously stated.

Mr. TAVENNER. Were you a member of a Communist Party group organized within the Government consisting of employees of the National Labor Relations Board in Denver and including also several people who were not in the National Labor Relations Board?

Mr. RUBIN. Would you mind clarifying the question? It seems to me to be somewhat indefinite.

Mr. TAVENNER. Were you a member of an organized group of the Communist Party while you were employed by the National Labor Relations Board in Denver, Colo.?

Mr. RUBIN. I presume you have knowledge of such a group?

Mr. TAVENNER. Yes, there has been considerable testimony regarding such a group organized, and the testimony is, that group was organized by attorneys from Washington who had been transferred from the National Labor Relations Board to Denver where this group was reorganized and others admitted. Prof. Herbert Fuchs was one of those who was a member of that group.

Mr. SCHERER. And that is while all of them were employees of the Government of the United States.

Mr. TAVENNER. My question is whether you were affiliated with that group in Denver.

Mr. RUBIN. Is that question within the scope of this particular hearing?

Mr. TAVENNER. The chairman of the committee in his opening statement made reference to the fact that the committee would hear any matters relating to Communist activities which may develop during the course of this hearing that is within the jurisdiction of the committee. That matter is not only within the jurisdiction of the committee but it is a matter which has been under investigation since

December 1955 and has been the subject of hearings in at least half a dozen different places in the United States and which has divulged the existence of at least 10 Communist Party cells within Government agencies.

Mr. RUBIN. Would you inform me what year you refer to?

Mr. TAVENNER. I am referring to the period of time when the work of the National Labor Relations Board began in Denver, which according to my recollection was certainly as early as 1944 and probably earlier.

Mr. RUBIN. Would you repeat the question?

Mr. TAVENNER. Do you really want it repeated?

Mr. RUBIN. Yes.

Mr. TAVENNER. My question was whether or not you were a member of a group of the Communist Party organized at Denver, Colo. consisting chiefly of members who were employees of the National Labor Relations Board during the period that you were employed by that Board in Denver.

Mr. RUBIN. On the basis of your statement that that question is within the scope of the hearing, I must object to the question. I object.

The CHAIRMAN. Do you decline to answer the question?

Mr. RUBIN. I decline to answer the question for reasons previously stated.

Mr. SCHERER. Has this witness been asked whether he is in the employ of the Government of the United States?

Mr. TAVENNER. He testified that he was employed by the National Labor Relations Board between 1942 and 1944. That is my recollection. Am I correct?

Mr. RUBIN. That is correct.

Mr. TAVENNER. What was the precise period of time that you were employed in Denver?

Mr. RUBIN. January 1942 to September 1942.

Mr. TAVENNER. Actually Prof. Herbert Fuchs was not there in 1942. Was Philip Reno there?

Mr. RUBIN. I object to the question for reasons previously stated.

Mr. TAVENNER. What was the character of your employment by the National Labor Relations Board while you were in Denver?

Mr. RUBIN. I was a field examiner.

Mr. TAVENNER. Were you transferred from Denver to——

Mr. RUBIN. To Kansas City.

Mr. TAVENNER. To Kansas City?

Mr. RUBIN. That is right.

Mr. TAVENNER. How long a period of time were you in Kansas City?

Mr. RUBIN. Three months.

Mr. TAVENNER. During that period of time, did you learn of the employment there of any persons known to you to be members of the Communist Party?

Mr. RUBIN. I object to the question for the reasons previously stated.

Mr. TAVENNER. May I have a direction?

The CHAIRMAN. Yes; you are directed to answer the question.

Mr. RUBIN. I decline to answer the question for reasons previously stated.

Mr. TAVENNER. From Kansas City where were you transferred?

Mr. RUBIN. San Francisco.

Mr. TAVENNER. Will you tell the committee whether any of the employees of the National Labor Relations Board in San Francisco were known to you to be members of the Communist Party?

Mr. SCHERER. Other than himself.

Mr. TAVENNER. I will accept that amendment; other than yourself.

Mr. RUBIN. I object to the question for the reasons previously stated.

Mr. TAVENNER. May I have a direction?

The CHAIRMAN. You are directed to answer the question.

Mr. RUBIN. I decline to answer the question on the grounds previously stated.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. RUBIN. I object to the question for reasons previously stated.

The CHAIRMAN. You are directed to answer the question.

Mr. RUBIN. I decline to answer the question for reasons previously stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness may be excused.

Call your next witness.

Mr. TAVENNER. Mr. Dave Sarvis.

The CHAIRMAN. Will you raise your right hand. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SARVIS. I do.

TESTIMONY OF DAVID SARVIS, ACCOMPANIED BY COUNSEL, LLOYD E. McMURRAY

Mr. TAVENNER. What is your name, please?

Mr. SARVIS. David Sarvis.

Mr. TAVENNER. Spell your last name.

Mr. SARVIS. S-a-r-v-i-s.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. SARVIS. Lloyd E. McMurray, 785 Market Street, San Francisco.

Mr. TAVENNER. When and where were you born, Mr. Sarvis?

Mr. SARVIS. I was born in Nanking, China, of missionary parents, in 1913.

Mr. TAVENNER. Where do you now reside?

Mr. SARVIS. San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mr. SARVIS. Since 1948.

Mr. TAVENNER. Prior to that time where did you live?

Mr. SARVIS. In Los Angeles.

Mr. TAVENNER. How long did you live in Los Angeles?

Mr. SARVIS. From the time of my discharge from the Armed Forces in 1946 until 1948.

Mr. TAVENNER. Approximately how long did you serve in the Armed Forces of the United States?

Mr. SARVIS. Approximately three and a half or 4 years, Mr. Tavenner.

Mr. TAVENNER. Is there any comment you desire to make about your military service? If so, you may feel free to make it.

Mr. SARVIS. Thank you, but I do not think it was any different from anyone else. I was in the Pacific in the Marine Corps. I survived as a captain. It is said if you survived enough battles you received a bronze star, and I survived that, but there is no distinction between that as to what would be put in this record.

Mr. TAVENNER. You entered the service when?

Mr. SARVIS. I entered the service in June, I believe, of 1942.

Mr. TAVENNER. Prior to that where did you live?

Mr. SARVIS. Prior to that I lived in Albuquerque, N. Mex.

Mr. TAVENNER. For how long a period?

Mr. SARVIS. For 1 year.

Mr. TAVENNER. What was your employment there?

Mr. SARVIS. I was a teacher at the University of New Mexico.

Mr. TAVENNER. Is teaching your principal profession or occupation?

Mr. SARVIS. Did you say "was it"?

Mr. TAVENNER. Or is it?

Mr. SARVIS. Not at present.

Mr. TAVENNER. What is it now?

Mr. SARVIS. At present I lead sort of a double life. Like most people in the theater profession in the bay area, I occupy one job as a means of paying the rent and groceries and I pursue my primary profession of directing plays.

Mr. TAVENNER. How long have you been engaged in that type of work?

Mr. SARVIS. Except for the period of service in the armed services, I have been engaged in that type of work ever since I was in college.

Mr. TAVENNER. I understand you were a teacher at Albuquerque, N. Mex., so you have taught for a period—

Mr. SARVIS. The theater has to be taught, too. I taught theater courses and directed plays at the university there.

Mr. TAVENNER. Have you engaged in teaching elsewhere?

Mr. SARVIS. Excuse me just a moment.

In the theater, Mr. Tavenner, almost everyone who ever serves as a director or leading actor conducts classes for younger people at various times, and I would be hard put to it to describe in detail all of the teaching that I have done in this field. I have taught off and on since my days in college in graduate school, in various minor capacities. I have not taught at any formal recognized academic institutions offering a degree except for the University of New Mexico.

Mr. TAVENNER. Have you taught at any institutions which are not of the formal character you have described and which do not award degrees?

Mr. SARVIS. I am advised to inquire, Mr. Tavenner, whether you have some specific institution in mind when you ask that.

Mr. TAVENNER. You certainly know more than anyone else does about the places you have taught. In your previous answer you qualified it by stating that you had taught at certain places, that you could not recall all of the places at which you taught, that you considered formal schools those in which diplomas were awarded. This was an indication to me that there were other schools at which you taught which did not award diplomas.

Mr. SARVIS. Naturally you are at liberty to draw what inferences you like, but it appears to me to ask what the relevancy or pertinency of this line of question is to the purposes of the committee.

Mr. TAVENNER. Are you reluctant to advise the committee of all of the schools at which you have taught?

Mr. SARVIS. I am reluctant, Mr. Tavenner, to participate in any activity here which is not within the proper function of Congress, so I am asking you, if I may, what the pertinency of this inquiry is.

Mr. TAVENNER. I think if you are honestly in doubt as to that I shall try to explain it to you.

This committee is investigating the activities of professional groups of the Communist Party in San Francisco particularly, and in the area generally, secret cells of the Communist Party within the professions. It is inquiring as to the extent, character, and objects of Communist Party activities within those groups now, at this time and prior to this time.

The reason it is inquiring into that, the reason that the committee has, is that it has been considering for quite a period of time whether or not the need exists for outlawing the Communist Party. It feels that it will be called upon by Congress to furnish it with all of the information that it can give on that important subject. It has been doing that for a period of time. It feels that the period is critical at this time and that it must weigh and evaluate the activities of these groups.

It has come to the attention of the committee that the California Labor School, in San Francisco, has been very active in carrying out the work of the Communist Party. During the course of this hearing, considerable evidence has been received regarding the part-time employment or at least occupation of members of the professional cell of the Communist Party in San Francisco at that school. We want to know to what extent—and I think the question is pertinent in that it should be developed through your testimony what Communist Party influences have been exerted on the public through that school, on that school through the professional cell of the Communist Party here.

In the view of the committee it is all linked up together. That represents, I think, the thinking of the committee on that subject if I may be presumed to speak for it, and members of the committee may desire to enlarge upon it, but that in the main establishes the pertinency of my inquiry from you as to the institutions at which you have taught.

Mr. SARVIS. There is a little thing hanging in the air, Mr. Tavenner. You prefaced that extended explanation with the phrase "if you were honest," of "if you were giving honest answers."

Just to clear the air, let me inquire if you are bringing to this hearing any preconception that I might not be honest or that you have any attitude on this score.

Mr. TAVENNER. I do not think I indicated any idea that you would be dishonest in anything that you have stated.

Mr. SARVIS. Fine, thank you very much.

Mr. TAVENNER. My reference to honesty was your honest understanding of the pertinency and of the question. That is my recollection of it. I trust you will tell this committee honestly and I am sure if you attempt to tell it, you will tell it honestly, in these matters that I want to inquire about.

Mr. SARVIS. Mr. Tavenner, you have indicated that you are interested in the California Labor School and in some sort of Communist activities that exist there, or might have existed there——

Mr. TAVENNER. In connection with the activities of the professional group of the Communist Party here in San Francisco.

Mr. SARVIS. That part of the question does not concern me so much from a legal standpoint, but the fact of the matter is that my name and my activities in the bay area, especially since they are in the field of the theater, are matters of public knowledge. They are activities of which I am proud in varying degree, depending on the success with which they met. My name appears as the director of plays on programs. It appears in the catalogs of the institutions at which I have taught. However, in view of the way that you have brought the California Labor School into these hearings, it is apparent that you viewed this institution as one which had either subversive intent or subversive activity in it. Well, I protest, to begin with, and in a blanket way against any inquiry which delves into or threatens legislation against any kind of a school, assembly, or any of the other forms of human communication and interchange of ideas which are guaranteed by the first amendment.

I would like very much to tell you my record or what I have done, what I have taught and where, but counsel advises me that it would place me in extreme jeopardy to do so, on the following grounds: That no matter what I say, it would require only one false witness, presumably hypothetically before a grand jury, to bring any type of perjurious testimony or any kind of testimony to involve me in extensive litigation, possibly put my family under a cloud—and these are things that have happened to many people—as a result of this inquiry. And I am not able to undertake such prospects. Therefore, I have no alternative but to stand upon the fifth amendment in declining to answer that question.

Mr. TAVENNER. When you started out to answer that question, you spoke of your name and your activities being a matter of public knowledge in the community. I have not asked any question of you regarding the normal activities of an individual. What I had asked about was a secret organized professional group of the Communist Party. That is something that is not known and open to everybody in the community, as is quite apparent from this hearing.

Mr. SARVIS. I thought you asked me where I taught. That was your last question.

Mr. TAVENNER. Yes, and in asking for the explanation I told you of the importance of it in connection with the activities of this secret group. If that is the way you meant it, I will withdraw further comment on that.

Let me ask you this, were you a member at any time or are you now a member of the Professional Section of the Communist Party in San Francisco or at any other place?

Mr. SARVIS. Mr. Tavenner, you can believe me that I would like nothing more than to answer that question candidly and clear up the type of suspicion, smearing, and character—what shall I call it, character assassination, if you like—surrounding such hearings that takes place such as this. I would like to answer the question, but my counsel advises me, as I have just told you, that any answer yes, no, or side-

ways would put me in extreme jeopardy of some type of litigation which I am not content to face.

Mr. TAVENNER. I am not trying to interfere with advice given you by your counsel, but I point out to you that there has never been a prosecution in the years that this committee has been in existence of anyone who has admitted his Communist Party membership and has helped the committee in ascertaining the facts about Communist Party activities.

If people have testified and committed perjury, that is a different matter. I am speaking of where they testified truthfully.

I think I should clarify this for the record. You stated that you were born in China. You are an American citizen, are you not?

Mr. SARVIS. I am. My birth was duly registered.

Mr. TAVENNER. Therefore, there is no question about your citizenship and I wanted the record to show that.

I think I should continue with the first part of my interrogation which I did not finish.

What was your training? Had you finished with all of your educational training? I interrupted you and I do not think you finished.

Mr. SARVIS. I do not think I even got started on my educational training.

Mr. TAVENNER. I would like to have that in the record.

Mr. SARVIS. I graduated from high school in a small Ohio town, got my bachelor's degree at Antioch College in Ohio.

Mr. TAVENNER. What was the date?

Mr. SARVIS. The date, I can only give you the year, but obviously it was June sometime in 1938. I took postgraduate work at Yale University and got a master of fine arts degree there in 1941 and my education has continued ever since.

Mr. TAVENNER. In 1938 at Antioch College, there was in existence a group of the Young Communist League composed of members of the student body, not a large number. A man by the name of John Reed, a professional organizer of the Communist Party and not in any way connected with the Antioch College, was the organizer of that group and continued in his attendance at the group meetings for purposes of the education in Communist theory of its members.

Were you acquainted with John Reed while you were in attendance at Antioch College?

Mr. SARVIS. It must have been in the fall of 1938. I graduated in the spring.

Mr. TAVENNER. Then you knew nothing about those operations, is that correct?

Mr. SARVIS. I am not sure whether I should even answer such a question in view of my understanding of the first amendment, Mr. Tavenner.

Mr. SCHERER. I ask the chairman to direct the witness to answer the question as to whether he knew John Reed.

Mr. SARVIS. Is there a question before me now?

Mr. TAVENNER. Yes, sir.

Mr. SARVIS. What is the question?

Mr. TAVENNER. The question is whether or not you knew John Reed.

Mr. SARVIS. Was I directed by the Chair?

The CHAIRMAN. You are directed now to answer whether or not you knew John Reed.

Mr. SARVIS. Not knowing what the committee has on John Reed or associations, I again feel as if I am getting into jeopardy.

Mr. TAVENNER. I told you who he was.

Mr. SARVIS. Excuse me. In that case, again, I am obliged to stand upon the fifth amendment and protect myself from possible implications.

Mr. TAVENNER. It developed from extensive testimony that after these young students left Antioch College who had been affiliated with this Young Communist League group there, the activity of which was not very significant, that John Reed followed them up and in many instances he was successful in getting those young people whom he had indoctrinated in that group to enter into the Communist Party and become active Communist Party workers, particularly in the field of labor.

Did you acquire any knowledge of that character regarding the activities of John Reed?

Mr. SARVIS. Mr. Tavenner, this is the first time I ever heard of any of this.

Mr. TAVENNER. Very well. It is all right, but from the nature of your answers I thought I was duty bound because it is a matter to which this committee has devoted a great deal of time and it is a very important matter.

Mr. SCHERER. Were you a member of the Young Communist League while you were at Antioch?

Mr. SARVIS. I am obliged once again to stand upon the fifth amendment.

Mr. TAVENNER. I would like to say to you that our files of the Daily People's World, although I do see one issue of the Daily Worker in New York, indicate various activities of yourself at the California Labor School, and I will mention these to you and then I will ask you whether or not these records are wrong in any particulars.

The People's World of July 21, 1948 carries an article stating that you joined the staff at that time of the California Labor School. In the issue of September 13, 1948, it carries an article relating to you regarding the California Labor School planning of People's Theater.

Then the issues of December 31, 1948, and April 21, 1949, refer to different programs you put on in connection with the theater of that school.

January 5, 1950, there is an article——

Mr. SARVIS. What programs, Mr. Tavenner, may I ask?

Mr. TAVENNER. The first one of December 31, 1948, the program was Stevedore. Is that correct?

Mr. SARVIS. Will it be all right with you, Mr. Tavenner, to just complete the list?

Mr. TAVENNER. No. I would like to ask you now if that is correct, since you have asked me.

Mr. SARVIS. What is the question again? It had something to do with Stevedore.

Mr. TAVENNER. You asked me what program was put on, and I replied it was Stevedore, and I am asking you if that is correct.

Mr. SARVIS. The plays that I have directed are obviously a matter of public record. You have a public record right in front of you, but I can't help viewing this as being an inquiry into the freedom of speech, since the theater is certainly a medium of speech and expres-

sion, and above all other areas, I feel it has to be kept free from any kind of interference or censorship, Mr. Tavenner. The theater is dependent upon popular judgment as is no other form of propagation. If the audience does not like what is put out in the theater they kill it off.

Mr. TAVENNER. I was not criticizing the content of the play. I was trying to determine what your activity was there.

Mr. SARVIS. Excuse me, Mr. Tavenner.

Mr. TAVENNER. Then on January 5, 1950, there appears an article stating that Sarvis teaches social history of the theater.

January 6, 1950, Sarvis announces the program of the California Labor School.

The issue of October 30, 1950, gives us an account of Sarvis' presentation of Some Subversive Evening.

January 17, 1952, carries an article that Sarvis is directing the Graphic Arts Work Shop.

March 3, 1953, announces the beginning of the California Labor Theater.

What is the California Labor Theater?

Mr. SARVIS. Why do you ask that question, Counsel?

Mr. TAVENNER. Because I don't know.

Mr. SARVIS. I don't know whether it is proper for me to answer such a question. Will you advise me of the pertinency of it?

Mr. SCHERER. I ask that the witness be directed to answer the question.

The CHAIRMAN. Explain the pertinence.

Mr. SARVIS. I did not hear the Chairman.

The CHAIRMAN. I was not addressing you.

Mr. SARVIS. I am very much concerned about the competence of this committee to inquire into what plays are put on and by whom, Mr. Tavenner, because it seems to me to be a fabulous stretch of the imagination to imagine that there could be anything threatening the national security in the production of plays which are open to the public and for which anyone could pay admission and walk in. I cannot help but feel this whole line of inquiry is definitely an invasion of the guaranties of the first amendment and I would respectfully request that you either drop this line or develop for me and for my guidance a real argument as to the pertinency of asking such questions as to whether I directed such a play called Stevedore.

Mr. TAVENNER. All of these questions are related to alleged activity on your part at the California Labor School. These questions are not directed at the character of the play. You wanted the play named so you could probably recall something about it, and I read the plays at your suggestion. I am not interested and the committee is not interested in the type of performance. It is interested in whether or not you were active as a member of the Communist Party in the functioning of the California Labor School.

That explains the pertinency of this question. Unless the committee thinks it should be further explained, I would ask that he be directed to answer.

The CHAIRMAN. Yes; you are directed to answer that question.

Mr. SARVIS. Did you say was active as a member of the Communist Party of the California Labor School?

Mr. TAVENNER. I asked you whether at the time—what I was alluding to involves the pertinency—whether or not at the time that you were active according to this information which I have read, at the California Labor School, you were a member of the Communist Party—the Professional Section of the Communist Party.

Mr. SARVIS. You will excuse me, Mr. Tavenner, if I am so legally uncertain that I have to consult to this extent. I have already answered—well, you have two questions, apparently, there. I am not sure that I can sort them out. One has to do with time and one has to do with membership in the Communist Party. Now, the former is on record which you are reading which I have no comment on because I feel that the comment on it is to violate the first amendment; the latter I have already answered. I pointed out as much as I would like to answer such a question; the jeopardy in which it would place me no matter what answer I gave, on the advice of my counsel, forbids me to answer it and requires me to decline to answer it on the grounds of the fifth amendment.

I cannot help feeling also a certain sense, as a theater man, that you coupled the production of plays with membership in the Communist Party. You say that you are not concerned with the content of the plays and yet you endeavor to establish by the way your question was framed some sort of a link between plays—

Mr. TAVENNER. Not at all. You established the link yourself when you asked me to name the plays. I told you and I told you several times that the only purpose was to connect your own activities as a member of the Communist Party with its activity.

Mr. SARVIS. I must object to this phrase which you keep injecting into what appears to be a reasonable question, or a reasonable answer, “your activities as a member of the Communist Party.” It seems to me that this intrusion of this kind of phraseology into a hearing of this kind can serve no purpose except to serve to prejudice my name and reputation in the community, to threaten my employment where I work just by raising a suspicion in the way that you introduce it as an aside.

Mr. SCHERER. Do you say that that is a suspicion on the part of Mr. Tavenner that you were a member of the Communist Party?

Mr. SARVIS. I can only construe it as a conclusion from the way he speaks.

Mr. SCHERER. Will you affirm or deny that you were active in the Communist Party?

Mr. SARVIS. Twice within the last 5 minutes I have made my position clear. It is a position which I take on advice of counsel to protect myself; counsel advises me that I would be in trouble regardless of how I answer this question, that I must take the fifth amendment and any further questioning or implications along this line obviously are only going to find the same answer from me and could only serve the purpose I have mentioned, public embarrassment and threat to employment.

Excuse for getting heated. I will try to cool down and be calm. I am an indignant citizen.

Mr. TAVENNER. You were identified in testimony by Ernestine Gatewood in hearings before the Subversive Activities Control Board regarding the California Labor School as a member of the Communist Party; did you know that?

Mr. SARVIS. No, sir; I did not.

Mr. TAVENNER. That was her testimony.

The CHAIRMAN. Do you know Ernestine Gatewood?

Mr. SARVIS. What can a man answer to such a charge? I am not able to confront the witness to disprove her credibility because of the immunity she has as a witness here she is beyond the reach of any civil suit that I may care to bring against her so I am helpless.

The CHAIRMAN. Do you know the lady?

Mr. SARVIS. Mr. Chairman, I do not believe it is proper for me under the first amendment to speak of my associations or similar matters.

Mr. SCHERER. I ask that you direct the witness to answer the question.

The CHAIRMAN. Yes. You are directed to answer the question of whether you know this lady.

Mr. SARVIS. I decline on the grounds of the fifth amendment. But for the real reasons that I have stated, in addition.

Mr. SCHERER. Then the fifth amendment is not your real reason?

Mr. SARVIS. That is your interpretation.

Mr. SCHERER. That is what you said.

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. Are there any questions?

Mr. SCHERER. When Ernestine Gatewood testified under oath before the Subversive Activities Control Board as to your Communist Party membership, was she lying or was she telling the truth?

Mr. SARVIS. I am reminded that I have already answered the basic question behind what you are asking me, Mr. Scherer. It is also my impression, however, that very few informers of this character who have testified in this fashion are entirely free from suspicion of perjury. In fact, some of them, as you know, have admitted as much in publications.

Mr. SCHERER. Whether she was an informer or not, I am asking you to tell us now whether she was lying or telling the truth when she, under oath, testified before the Subversive Activities Control Board of the Government of the United States about your Communist Party membership?

Mr. SARVIS. I have answered the question three times.

Mr. SCHERER. You did not answer this question once yet. You did not answer my question.

Mr. SARVIS. I have told you three times already in response to this question——

Mr. SCHERER. Then tell us once again.

Mr. SARVIS. I will tell you once again that although I would like very much to answer honestly and candidly in this regard, legal advice warns me that to answer yes, no, or in any other way would be to place me in jeopardy of extremely painful, costly, lengthy litigation, and that therefore in self-defense I am obliged to stand on the fifth amendment.

The CHAIRMAN. Mr. Tavenner, what were the dates of those performances?

Mr. TAVENNER. They began in 1947. The documents that I read began in 1947 and continued practically each year through 1950. It began in 1948, if you will pardon me, and through the year 1952.

Mr. SARVIS. You should have read some of the other press announcements.

The CHAIRMAN. We are directing your attention just to this specific thing. During that period were you a member of the Professional Section of the Communist Party?

Mr. SARVIS. I repeat the same answer which I have previously given to the same question.

Mr. McINTOSH. If this committee were to go through the procedures of requesting an order from Federal court granting you immunity would you thereupon testify freely and fully of your knowledge of any Communist activities, since you indicate you would very much like to answer these questions?

Mr. SARVIS. This is something of which I have insufficient legal knowledge to answer.

Mr. McINTOSH. Discuss it with your counsel.

Mr. SARVIS. I am advised, Congressman, that in view of the unclarity still lingering around the Supreme Court's recent decision regarding the first amendment, this raises certain questions that have to do with the proposition that you make. However, if I were to be given a court order of the kind that you suggest by which time presumably there would be some clarification on the recent decision, I would then be in a position to decide.

Mr. McINTOSH. You do not indicate one way or the other what you would be willing to do. Do you care to at this time, having given some rather lengthy remarks about your eagerness to testify if the possibility of criminal prosecution can be removed, I ask you, if it can be removed satisfactorily and through legal process then will you testify freely and fully about anything that you know about Communist activities?

Mr. SARVIS. If I have given the impression that I am eager to testify in front of this committee under, I must say, duress or coercion and in a fashion which I as a private citizen, nonlegally and so forth, believe is extremely alien to the first amendment and personally rather hostile to everything I believe in—if I have given the impression that I would be willing to testify in this kind of a hearing, it is a mistaken impression. I mean to give the impression that I am proud of my life and my work and my beliefs, humble as they are.

Mr. McINTOSH. Could I sum up your answer as "No?" Is that a fair answer?

Mr. SARVIS. No, sir. By now I have kind of lost track of the question and I would not like to have you sum up my answer, nor would I like to do so now without further clarifying questions.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. TAVENNER. Mr. Robert Nissen, will you come forward, please.

The CHAIRMAN. Will you raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NISSEN. I do.

TESTIMONY OF ROBERT (J.) NISSEN, ACCOMPANIED BY COUNSEL, HAROLD A. GALLOWAY

Mr. TAVENNER. What is your name, please?

Mr. NISSEN. Robert Nissen, N-i-s-s-e-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. GALLOWAY. I am Harold A. Galloway, 68 Post Street, San Francisco, a member of the California Bar.

Mr. TAVENNER. When and where were you born, Mr. Nissen?

Mr. NISSEN. I was born in Salina, Kans., April 7, 1928.

Mr. TAVENNER. Where do you now reside?

Mr. NISSEN. San Francisco.

Mr. TAVENNER. How long have you lived in the State of California?

Mr. NISSEN. Since 1951.

Mr. TAVENNER. What is your occupation or profession?

Mr. NISSEN. I am a television and electronics engineer.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. NISSEN. After finishing Lutheran Parochial School I went to high school in Oregon. I attended the University of Colorado, Columbia, the University of Bombay, a degree from Oregon State College, a bachelor of science degree with major work in physics. Also, I have a diploma from the New York School of Radio and Television.

Mr. TAVENNER. Did you have a period of service in the Armed Forces of the United States?

Mr. NISSEN. Yes, sir; I was in the Marine Corps.

Mr. TAVENNER. Over what period of time?

Mr. NISSEN. From 1946 until 1954.

Mr. TAVENNER. To 1954? I probably was mistaken. I understood you had been living in California since 1951.

Mr. NISSEN. Yes, I was in the Inactive Reserve. I presumed you meant that also, until 1954.

Mr. TAVENNER. You were in the Active Armed Forces from 1946 to 1951, is that correct?

Mr. NISSEN. Until 1950, I think it was. I was a midshipman. I was under the training program then from the Navy. In 1948 I transferred to the Marine Corps.

Mr. TAVENNER. Excuse me. Will you break that down. I did not quite understand you.

Mr. NISSEN. In 1946 I went in, and this was in the Navy under the Naval Reserve Officer Training Corps.

Mr. TAVENNER. Where were you living then?

Mr. NISSEN. This was in Oregon, Oregon State College.

Mr. TAVENNER. Yes.

Mr. NISSEN. In 1948 I transferred to the Marine Corps, which was the prerogative of all midshipmen at that time, and I think also at the present time, and was commissioned in 1950 and went on Inactive Reserve at that time.

Mr. SCHERER. Were you Naval ROTC while you were at Oregon?

Mr. NISSEN. Yes, it is under the NROTC program.

Mr. SCHERER. You finished Oregon when?

Mr. NISSEN. In 1950 when I got my degree and commission at the same time.

Mr. SCHERER. You were in the armed services then while you were at college?

Mr. NISSEN. That is right.

Mr. TAVENNER. When did you receive your discharge?

Mr. NISSEN. I received the discharge in 1954, I believe it was, sir.

Mr. TAVENNER. Were you at that time a member of the Communist Party?

Mr. NISSEN. I object basically to this line of questioning.

The CHAIRMAN. You are directed to answer the question.

Mr. NISSEN. This will take a little longer. The direction here, I think, under direction, I claim the rights as you gentlemen well know, it will take a bit longer, but I think everything I have to say here is quite pertinent to everything that is going on in this room, and I hope that it is not regarded, simply because it is written down here, anything of rote. I mean every single word of it.

The CHAIRMAN. Will you answer the question, please?

Mr. TAVENNER. Mr. Chairman, it is quite apparent that the gentleman is preparing to make a speech rather than answer the question, or state legal grounds for refusing to do it.

Mr. NISSEN. I am prepared to do it.

I am preparing at this time, sir, to state the legal grounds for the objection and I simply am interjecting that I hope you will go along with it.

I wish to inform the committee that I will refuse to answer any questions concerning past membership in any organization, past association or associates. Nor will I discuss with the committee neither my present nor my past political or philosophic beliefs and opinions. I do this on the following grounds.

No. 1, under our Constitution all congressional investigation is subject to the command that Congress shall make no law abridging the freedom of speech, press, or assembly. The mandate of this committee is unconstitutional in that it authorizes inquiry into areas in which Congress is forbidden by the first amendment to legislate.

Questions asked of me concerning my political beliefs and associations are violative of my rights of speech and assembly which are beyond the reach of congressional investigating committees by virtue of this first amendment and this I emphasize most strongly.

Two, inquiry of the committee and the announced purpose of this committee are not related to any valid purpose, nor in furtherance of a legitimate task of Congress, but are exposing me to public stigma, scorn, and economic deprivation.

An additional purpose of this committee in summoning me here is to place me on trial without informing me of the nature and cause of the accusations, without allowing me the effective aid of counsel and without benefit of the presumption of innocence without due process of law, all of which rights are guaranteed me by the fifth and sixth amendments of the Constitution of the United States.

This committee's inquiry further infringes on the rights retained by the people of the United States, including me, under the ninth amendment.

Were I to cooperate with this committee in naming names of friends and associates, I have reason to believe that this committee might hound them to the point of suicide. I will not have that responsibility weighing on my shoulders as it is on the shoulders of this committee, and, finally, I wish to state that I am innocent of any crime; in fact if any of you know of any crime that I am guilty of, I would suggest that you turn it over to the proper prosecuting authority and let them take care of it.

The Supreme Court recently affirmed that an honest man may affirm that his answers may incriminate him. The past history of this committee and the witnesses who have appeared before it, for some reason

unknown to me, prosecution might be anticipated. Innocent men have the right which I now assert, to provide evidence which could be used by the prosecutor in building a chain of circumstantial evidence around me in a situation in which I know that I shall not be allowed to defend myself nor be afforded the usual safeguards by which evidence against me is tested for its truth.

Therefore, and because under our Constitution no person shall be compelled to be a witness against himself, and for each and all of the reasons enumerated, I respectfully refuse to answer the questions.

Mr. TAVENNER. You do mean refuse?

Mr. NISSEN. Excuse me, I do mean refuse. There is no water here and I am dry. It is hot here and this is probably the hottest seat in the house.

Mr. TAVENNER. Was your discharge which you received in 1954 a discharge under other than honorable conditions?

Mr. NISSEN. A very peculiar thing happened, Mr. Tavenner, which I think you will be interested in.

The CHAIRMAN. Will you answer the question?

Mr. NISSEN. I certainly will, and I am doing so and I think you already know.

The CHAIRMAN. No, I don't know. I have never seen you before and never heard of you before.

Mr. NISSEN. If you will let me tell you, I will certainly let you hear of me. I think, as some of you certainly heard about, there were many discharges about 2 or 3 years ago under other than honorable conditions. These were not dishonorable. They had a category where they had to put people if they did not like what they believed. I have an other than honorable discharge and I have never been able to figure out why I have it.

The CHAIRMAN. Why don't you appeal?

Mr. NISSEN. We went to a board, there were no witnesses, in fact, it was similar to this hearing. There was no cross-examination. There was no possibility of testing the veracity of unknown witnesses. We appealed most strongly, sir——

The CHAIRMAN. What reason was given to you for giving you the discharge other than honorable? I am asking you and not your counsel.

Mr. NISSEN. You are depriving me of legal counsel.

The CHAIRMAN. No, but you did not seek advice. You were jerked over there before you had a chance to answer my question.

I will withdraw the question.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Communist Party during the period of time that you were in the service from 1946 to 1954?

Mr. NISSEN. I think that my answers previously given certainly covered this and on that basis I refer to all of my previous reasons for refusing to answer that question.

Mr. SCHERER. Does that include the fifth amendment?

Mr. NISSEN. This includes each and every single thing that I have said.

Mr. SCHERER. I don't recall, you said so. I am asking you if you included the fifth amendment.

I ask, Mr. Chairman, that you direct the witness to answer.

Mr. NISSEN. If the grounds, Mr. Scherer, are unclear to you or confused in your mind, I would be happy to read it again or have the recorder read it.

Mr. SCHERER. I merely asked you if the grounds included the fifth amendment.

Mr. NISSEN. And I repeat once again that I stand on all of those grounds and if you did not pick it up—

The CHAIRMAN. Including the fifth amendment?

Mr. NISSEN. I stand upon the statement I made.

Mr. SCHERER. I ask that you direct the witness to answer.

The CHAIRMAN. You are directed to answer the question of whether or not your refusal is based upon the fifth amendment.

Mr. NISSEN. I stand upon the grounds I have previously stated.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Mr. Nissen—

Mr. NISSEN. I would like to read something here.

The CHAIRMAN. Mr. Tavenner is about to ask you a question. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Is it a fact that in 1951 during the Korean conflict you offered your services to the Soviet Union?

Mr. NISSEN. Mr. Tavenner, I think it is pretty apparent that that question also requires the use of all of my previously stated grounds.

The CHAIRMAN. In other words, you decline to answer for the reasons given before, all of the reasons?

Mr. TAVENNER. Is it not a fact that you wrote a letter to the Soviet Union offering your services in any capacity, either in the United States or abroad?

Mr. NISSEN. I once again object to the line of questioning. I object to the use of this committee of this sort of question and I certainly rely upon all of the previously stated grounds, plus the following amendment, even though the inquiry—these questions are an improper invasion in the rights in the field in which Congress is by the first amendment forbidden to enter. Chairman Walter, I believe, this morning at 11:50 expressed his and the committee's intention to press for further legislation in this field, even though the members of this committee are sworn to defend and protect the Constitution of the United States, as interpreted by the Supreme Court. Chairman Walter can only be interpreted as intending further to abridge the Constitution and my rights as a loyal citizen of the United States.

The chairman deprived me of my rights to express my opinion under the first amendment. On that additional ground and the additionally stated Watkins opinion, and the additionally stated grounds, I refuse to answer.

Mr. TAVENNER. Now let's get back to the question. Isn't it true that you did write such a letter?

Mr. NISSEN. Mr. Tavenner, you evidently believe that average mentality of the adult in television is 12 years old. I think they can see through this line of questioning. I think they can see that the only purpose is to embarrass me in front of television, in front of the news-

papers, and I think that it is obviously unfair if not legally out of line.

The CHAIRMAN. Just a minute. Answer the question.

Mr. NISSEN. I refuse to answer on all the grounds I stated previously.

Mr. TAVENNER. Do you still maintain that you did not know why you received a discharge other than honorable?

Mr. NISSEN. In answer to that question, I would say somewhat in explanation that in that hearing none of the witnesses appeared, they were untested in any way, and for this reason I again stand on my rights.

Mr. TAVENNER. In other words, you refuse to answer the question I posed, that as a matter of fact you did not know what was the reason for your receiving a discharge under other than honorable conditions?

Mr. NISSEN. The reasons that were given in the hearing, the presumed reasons that were given in the hearing.

Mr. TAVENNER. That is not my question.

Mr. NISSEN. Then I did not understand your question.

Mr. TAVENNER. My question is, Do you still contend that you did not know the reasons why you received a discharge under other than honorable conditions?

Mr. NISSEN. Mr. Tavenner, I know what the stated reasons were in the hearing, but I considered those—I simply could not understand them. There are reasons put down on paper, but in my opinion these made no sense.

Mr. TAVENNER. Does the writing of a letter of the character that I described make sense to you?

Mr. NISSEN. I refuse to answer that, sir, on the same grounds that I previously stated.

Mr. SCHERER. Mr. Tavenner, may I ask you a question?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. Am I correct that the legal definition of treason is giving aid and comfort to the enemy in time of war?

Mr. TAVENNER. In time of war; yes, sir.

The question I asked you regarding your Communist Party membership was during the period of your military service and in 1954 at the time of your discharge. Will you tell the committee whether or not you have been a member of a professional group of the Communist Party in San Francisco at any time since 1954?

Mr. NISSEN. I once again, sir, refuse to answer that on the basis of all of my previously stated grounds.

Mr. TAVENNER. Are you a member of a professional group of the Communist Party in California now?

Mr. NISSEN. I once again utilize the benefits of the congressional support which I have in the Supreme Court and I think that I can stand very solidly on all of the decisions and the Bill of Rights itself, including the Watkins decision this Monday.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. I have one question.

Witness, when you joined the armed services of the United States you took an oath to defend this country against all enemies of the United States, did you not?

Mr. NISSEN. Mr. Interrogator, yes I did take this oath.

Mr. SCHERER. I ask you as a matter of fact and ask you to affirm or deny that while you were a member of the armed forces you wrote a letter in time of war to the Russian Government offering your services.

Mr. NISSEN. I refuse to answer that, sir.

The CHAIRMAN. The committee is adjourned, to meet tomorrow morning at 9:30.

(Whereupon, at 5 p. m., the committee was recessed, to reconvene at 9:30 a. m. the following day, Thursday, June 20, 1957.)

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UN-AMERICAN ACTIVITIES

HEARINGS HELD IN SAN FRANCISCO,
CALIF., JUNE 18-21, 1957—PART 2

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HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FIFTH CONGRESS
FIRST SESSION

JUNE 20 AND 21, 1957

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.
(A) Un-American activities.
(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

HEARINGS HELD IN SAN FRANCISCO, CALIF., JUNE 18-21, 1957—PART 2

THURSDAY, JUNE 20, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
San Francisco, Calif.
PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:30 a. m., Hon. Francis E. Walter (chairman) presiding.

Committee members present: Representatives Francis E. Walter, of Pennsylvania; Gordon H. Scherer, of Ohio; and Robert J. McIntosh, of Michigan.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler, investigator.

The CHAIRMAN. The committee will be in order.

Call your first witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, before calling the first witness, I would like to call one matter to your attention.

Dr. Patten in the course of his testimony yesterday identified a member of the Professional Section of the Communist Party by the name of Halperin. A gentleman has come to see me by the name of Mr. Morris Halperin, who is not the person referred to; but because of the similarity of names, I thought it was the only proper thing to do to call the witness' attention to it and let it appear in the record that Mr. Morris Halperin, whose residence is 3014 Shattuck Avenue, Berkeley, is not the individual referred to by Dr. Patten.

The CHAIRMAN. I would like to state that I had my attention called a moment ago to a photograph in the San Francisco Call Bulletin, Wednesday, June 19, with a headline "Communist Probers Hear Fifth Amendment Invoked," under which appeared the photographs of six people, among them Jay Darwin. I think this is indeed unfortunate. It was not done deliberately because Mr. Darwin is one of those union leaders who made great contributions in getting the Communists out of the CIO, and certainly there should not be any implication that he invoked the fifth amendment.

Mr. TAVENNER. He was a voluntary witness, Mr. Chairman, as you recall.

I would like to call at this time Mrs. Dorothy Jeffers.

Will you come forward, please.

The CHAIRMAN. Will you stand, please, and raise your right hand. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JEFFERS. I do.

TESTIMONY OF MRS. DOROTHY (M.) JEFFERS

Mr. TAVENNER. You are Mrs. Dorothy Jeffers?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Will you spell your name, please.

Mrs. JEFFERS. J-e-f-f-e-r-s.

Mr. TAVENNER. I wonder if you could move your chair a little to your right. It is difficult to hear you.

It is noted, Mrs. Jeffers, that you are not accompanied by counsel. The committee makes it a practice to advise every witness that he or she is entitled to counsel if desired.

Mrs. JEFFERS. I felt that I did not need counsel.

Mr. TAVENNER. Where were you born, Mrs. Jeffers?

Mrs. JEFFERS. In Chicago, Ill.

Mr. TAVENNER. Where do you now reside?

Mrs. JEFFERS. In San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mrs. JEFFERS. I would say since 1929.

Mr. TAVENNER. Will you briefly outline to the committee, please, what your formal educational training has been?

Mrs. JEFFERS. Yes. Since high school, I graduated from the University of Nebraska and have had some graduate courses at San Francisco State College. I was in high school in Nebraska.

Mr. TAVENNER: Will you give the committee, please, a brief outline of your employment record?

Mrs. JEFFERS. I taught school for 3 years before I married and after graduation, then I was not employed until 1942 when I was employed by the Washington Community Center in San Francisco as first a secretary and then counselor and social worker.

Mr. TAVENNER. Will you tell the committee, please, whether you have had an opportunity over a period of time to be familiar with the workings of the professional groups of the Communist Party in San Francisco?

Mrs. JEFFERS. I feel that I have had such an opportunity; yes.

Mr. TAVENNER. What opportunity did you have?

Mrs. JEFFERS. Well, shall I start from the beginning?

Mr. TAVENNER. Just as you please.

Mrs. JEFFERS. I was a member of the Communist Party. I became a member of the Communist Party at the request of the Federal Bureau of Investigation.

Mr. TAVENNER. When was that, approximately?

Mrs. JEFFERS. I would say approximately 1942 or 1943.

Mr. TAVENNER. Will you tell the committee, please, under what circumstances you entered the Communist Party?

Mrs. JEFFERS. First I was contacted by a member of the Federal Bureau of Investigation who asked me if I would work with them for the Bureau and I agreed to do so. In the meantime, I had become acquainted with a person who I later learned was a member of the Communist Party. She came to the community center for meetings to be held there on the subject of housing for Negroes. I worked with her committee informally in assisting her in clerical work, lists of names; we exchanged lots of conversation on the subject of Negroes and women in employment, and we became acquainted in this way.

She asked me at one point if I would like to become a member of the party since I seemed to be interested in Negro rights. Having already had contact with the Federal Bureau, I told her yes.

Mr. TAVENNER. Who was that person?

Mrs. JEFFERS. Her name was Mary Shepardson.

Mr. TAVENNER. Was she married at that time?

Mrs. JEFFERS. I think that she was not married at that time. She later married—at this moment I do not recall who.

Mr. TAVENNER. Do you recall what her maiden name was? Maybe you said; I am not certain.

Mrs. JEFFERS. I did not say. I think her married name was Shepardson. At this moment I can't tell you.

Mr. TAVENNER. Was it Mary Scott?

Mrs. JEFFERS. Mary Scott. That is how I knew her, as Mary Scott, and then as Shepardson.

Mr. TAVENNER. Preparatory to your being interviewed by any functionary or member of the Communist Party other than her, were you given anything by Mary Scott to study in preparation for your admission to the Communist Party?

Mrs. JEFFERS. I was given a volume called, I believe, History of the Communist Party of the Soviet Union, or History of the Socialist Party in the Soviet Union. Something to that effect.

Mr. TAVENNER. Who gave that to you?

Mrs. JEFFERS. That was given to me by Mary Scott Shepardson.

Mr. TAVENNER. Was her name signed in that book?

Mrs. JEFFERS. The name Mary was signed.

Mr. TAVENNER. I will ask you to later produce the book. You still have it, have you not?

Mrs. JEFFERS. Yes, I still own it. I did not return it to her.

Mr. TAVENNER. What was the next step in your admission to the Communist Party?

Mrs. JEFFERS. After the first formal interview and invitation, or during that, Miss Scott said that someone else would come to see me. Within a period of a week or 10 days, perhaps 2 weeks, Leonard Pockman came to see me.

Mr. TAVENNER. Leonard P-o-c-k-m-a-n?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. Can you further identify Mr. Pockman?

Mrs. JEFFERS. At that time I did not know his work. I later learned that he was an instructor or a professor of physics at the State college.

Mr. TAVENNER. Can you recall at this time any of the conversation that you had with Mr. Pockman?

Mrs. JEFFERS. He asked me what purpose I felt would be served by joining the party. He asked me what I had read along the lines of socialism or communism. Very naively I said I read the Nation, which is not Communist literature but is a liberal magazine, but I thought I was being very inviting.

Mr. TAVENNER. Where did this discussion take place?

Mrs. JEFFERS. He came to see me at my place of work at the community center, and we went across the hall to the library where we could be alone. He had then told me—I do not think he told me at the time where I was to go for the first meeting but someone got in

touch with me and told me where the first meeting would be held which I would attend.

Mr. TAVENNER. Was the question of Negro rights mentioned at that first interview?

Mrs. JEFFERS. Yes. This was an important facet of my entering the party.

Mr. TAVENNER. What was the nature of that discussion he had with you regarding Negro rights?

Mrs. JEFFERS. The party was working very strongly to gain full rights, political and economic, for Negroes and I would be very helpful in advancing the cause by joining the party.

Mr. TAVENNER. Then you were subsequently accepted into the party?

Mrs. JEFFERS. Yes.

Mrs. TAVENNER. About how long after this conversation with Mr. Pockman did that occur?

Mrs. JEFFERS. I attended my first meeting, I would say, within 2 or 3 weeks, within the month, I can be sure, of my interview with him.

Mr. TAVENNER. Do you recall the circumstances surrounding that first meeting? I am speaking of the first meeting of the Communist Party which you attended.

Mrs. JEFFERS. I was given an address and a first name only. I was to go to a certain address. I believe that it was on Clay or one of those streets parallel with Clay Street, and I was to ask for Mary.

Mr. TAVENNER. You were to ask for Mary?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. At that time did you know who Mary was?

Mrs. JEFFERS. No.

Mr. TAVENNER. After you met Mary did you recognize her at that time as any person you had known?

Mrs. JEFFERS. I had not known her.

Mr. TAVENNER. Did you learn that this meeting was held at the home of the person called Mary?

Mrs. JEFFERS. It was; yes.

Mr. TAVENNER. Did you later through activity in the Communist Party learn to know who Mary was?

Mrs. JEFFERS. I did.

Mr. TAVENNER. Who was she?

Mrs. JEFFERS. Her name was Mary Burrell.

Mr. TAVENNER. Will you spell the last name?

Mrs. JEFFERS. I think B-u-r-r-e-l-l.

Mr. TAVENNER. Do you recall in what occupation or profession she was engaged?

Mrs. JEFFERS. I later learned that she was a musician. I did not learn that immediately. I think she was with the San Francisco Symphony.

Mr. TAVENNER. You think with the San Francisco Symphony?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Did you attend Communist Party meetings at her home on more than one occasion?

Mrs. JEFFERS. I did.

Mr. TAVENNER. Can you describe for us or give us a general idea of the number of meetings that were held or how frequently you attended meetings at her home?

Mrs. JEFFERS. That is a little difficult for me to say. I should say more than several. I also attended meetings with her elsewhere.

Mr. TAVENNER. But there were more than several meetings at her home?

Mrs. JEFFERS. That is correct.

Mr. TAVENNER. What type of club or group of the Communist Party was this to which you were first assigned?

Mrs. JEFFERS. It was called a professional club. Professional clubs were set up, I later learned, for the purpose of preserving the security of professionals who entered the party or who were members of the party. So, they would not meet with the general public or people in other walks of life who might not be so security conscious.

Mr. TAVENNER. In other words, their identity was to be kept secret from other members of the Communist Party?

Mrs. JEFFERS. To all intents and purposes, yes, except upper functionaries who might meet with them on occasion for conference and so on.

Mr. TAVENNER. Can you recall what professions were represented in this group?

Mrs. JEFFERS. I barely at that time fitted into the professional group because I was a clerical worker, but I made it clear I did not want to go into an open club. There were doctors, lawyers, social workers, I believe. There was an artist or two, the musician whom I have just mentioned. There was a newspaper person—how many have I named?

Mr. TAVENNER. Five or six, I think.

Mrs. JEFFERS. There were also miscellaneous people such as housewives who were not employed.

Mr. TAVENNER. Do you recall whether this professional club to which you were assigned was known by any name other than just a professional group or cell?

Mrs. JEFFERS. I think there was more than one professional group in the San Francisco party. I believe that when I first entered the party it was called North Side Club.

Mr. TAVENNER. But that was a professional group?

Mrs. JEFFERS. That was a professional group. I was in no other than the professional group.

Mr. TAVENNER. Did it change its name at any time?

Mrs. JEFFERS. I think at one time we became a miscellaneous club, a Richmond Club, New Eric Club, and Christopher Caldwell.

Mr. TAVENNER. Christopher Caldwell?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. What was the significance of giving the professional club a name of that kind?

Mrs. JEFFERS. I think this was the name of a socialist writer. I have read nothing that he has written. I was unfamiliar with the name. It was suggested by a member whom I don't recall at the moment. His name was suggested. He was a writer of literature in line with the party thinking, an English writer.

Mr. TAVENNER. Do you know the names of other professional clubs of the Communist Party?

Mrs. JEFFERS. When I first entered the party, there were some lawyers in our group. Later the lawyers formed a club of their own which was known as Haymarket.

Mr. TAVENNER. That was the lawyers professional group?

Mrs. JEFFERS. That is right. I believe the doctors later formed a professional group, but I do not recall the name of their club.

Mr. TAVENNER. Can you give the committee an idea of the strength of the membership in the club when you first became a member of it?

Mrs. JEFFERS. The club was a large club. There were probably 30 to 35 people in the club.

Mr. TAVENNER. Can you recall the names of the officers of that club when you first became a member of it?

Mrs. JEFFERS. When I first became a member of the party, the club which I entered had as its president Mr. Harold Sawyer.

Mr. TAVENNER. What was his occupation?

Mrs. JEFFERS. He was an attorney.

Mr. TAVENNER. Can you recall the names of any other officers?

Mrs. JEFFERS. I believe that the secretary was Rikee Elsesser.

Mr. TAVENNER. Rikee Elsesser. Spell it.

Mrs. JEFFERS. E-l-s-e-s-s-e-r, I believe.

Mr. TAVENNER. Do you know anything about the occupation of Rikee Elsesser?

Mrs. JEFFERS. She was employed at Mount Zion Hospital. I think she was in the personnel department.

Mr. TAVENNER. Earlier in your testimony, you referred to a book that was given you prior to your admission to the party by Mary Scott. I hand you a book and ask you to examine it and tell the committee whether or not that is the book you referred to.

Mrs. JEFFERS. History of the Communist Party of the Soviet Union. Yes, this is her name. This name was in it when she gave it to me.

Mr. TAVENNER. The name Mary, M-a-r-y, appears on the flyleaf?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Did you see her write the name? Do you recall?

Mrs. JEFFERS. I would not say that. I do not recall that I did.

Mr. TAVENNER. Did the book have the name Mary in it when it was given to you?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Will you tell the committee the approximate date you ceased your activity within the Communist Party on behalf of the Federal Bureau of Investigation?

Mrs. JEFFERS. 1952.

Mr. TAVENNER. During your experience in the Communist Party, did you take any special course of training as a part of your Communist Party duties?

Mrs. JEFFERS. Yes, I went to one series of classes conducted by Harold Sawyer, held at the home of Alice Miggs.

Mr. TAVENNER. M-i-g-g-s?

Mrs. JEFFERS. Yes, I think so. The subject of the course as I remember it was imperialism. At least that was the content of the course. That was probably a month or 6 weeks, once a week.

Mr. TAVENNER. You said these meetings took place in the home of Alice Miggs. Was Alice Miggs known to you as a member of the Communist Party?

Mrs. JEFFERS. I really did not know her. I was given the address and in passing I was told it was Alice Miggs' home.

Mr. TAVENNER. You were in her home, but you are not testifying that you knew that Alice Miggs was a member of the Communist Party?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. I want the record to be clear that you are not identifying her as a member of the Communist Party.

Do you know anything about the circumstances under which the use of her home was obtained for this purpose?

Mrs. JEFFERS. No, I don't know.

Mr. TAVENNER. About how many persons attended this school?

Mrs. JEFFERS. That was a comparatively small group, perhaps 6 or 8 people, representatives from other professional clubs, you know, of the 3 or 4, perhaps 1 or 2 from each club. I was directed to attend.

Mr. TAVENNER. You were asked to attend?

Mrs. JEFFERS. I was asked to do so and was told it would be good for increasing my knowledge.

Mr. TAVENNER. How soon was that after your entry into the Communist Party? Was it early or late in your experience?

Mrs. JEFFERS. I would say probably in my first year.

Mr. TAVENNER. Was anyone else present from your immediate club of the Communist Party or were you the only representative from your professional group?

Mrs. JEFFERS. As I remember, only Mr. Sawyer, the instructor.

Mr. TAVENNER. And yourself?

Mrs. JEFFERS. And myself.

Mr. TAVENNER. These other persons you stated were from other professional groups of the Communist Party?

Mrs. JEFFERS. I think so, because it was a course given for the Professional Section.

Mr. TAVENNER. Can you recall at this time the names of any other persons who attended this school?

Mrs. JEFFERS. I cannot. They were not known to me and one did not introduce one's self or ask names of people. It just was not the thing to do, so I do not know who it was.

Mr. TAVENNER. If you showed any particular interest in learning the identity you would have been suspected?

Mrs. JEFFERS. Exactly so.

Mr. TAVENNER. Did you have occasion to see these people later?

Mrs. JEFFERS. I can't recall.

Mr. TAVENNER. As a result of your activity in the Communist Party, the professional group of the Communist Party, did you hold any office or offices?

Mrs. JEFFERS. The first office which I held in the party was as literature director for my club.

Mr. TAVENNER. Did you hold any other office?

Mrs. JEFFERS. I became the dues secretary, and later membership secretary, and finally I became chairman of the club group.

Mr. TAVENNER. Your first office, you say, was that of literature director?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. What were your duties and functions as the literature director?

Mrs. JEFFERS. I was instructed to pick up literature for use of the club for sale to the club members, bearing in mind the educationals which we planned for the immediate future, perhaps for the next week or perhaps for the next month plus other reading matter, books, or pamphlets bearing on political events or economic problems of this country or other countries, the international situation, all of these I should say were interpreted from the Marxist point of view.

Also I picked up from time to time Marxist classics, the Little Lenin Libraries, the writings of Lenin or Stalin, that sort of thing. Occasionally the bookstore had publications of Communist Parties in other countries, from England, from France.

Mr. TAVENNER. You say, Communist Party documents from other countries?

Mrs. JEFFERS. Publications, yes, from Russia, from China.

Mr. TAVENNER. Were those publications which imparted Communist Party propaganda for use in this country?

Mrs. JEFFERS. Sometimes, not always. Sometimes it was an explanation of what was going on in that respective country, you see. For example, we had a number of pamphlets from China explaining the farm program in China by Mao Tse-tung. We had pamphlets from France with respect to trade unions in France.

Mr. TAVENNER. Don't you concede that those documents were made available to members of the Communist Party in this country for propaganda purposes?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Where did you get this material?

Mrs. JEFFERS. I picked up literature from the International Book Store, Inc., on Market Street, which was—it was the first block below Van Ness on the corner. It was in the 1400 block. It was a triangular-shaped building.

Mr. TAVENNER. Were you directed to procure these documents there?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. By the way, I should have asked you a while ago when you said you were told to attend this school of 7 or 8 individuals, do you recall who told you to do that, or how you were selected for that school?

Mrs. JEFFERS. I was probably selected because I was a backward Marxist. Probably the chairman of the group instructed me that it would be good for me to attend this school. This is a directive, in other words.

Mr. TAVENNER. Do you now know who was the chairman of that group at the time when that occurred?

Mrs. JEFFERS. Yes, sir; that would have been Harold Sawyer.

Mr. TAVENNER. Proceeding again with this bookstore, when you went to the bookstore to procure documents for use at your party meetings, how did you know what documents to obtain?

Mrs. JEFFERS. All that I knew was what our educationals were scheduled to be, the educational discussions. However, the person in the store was aware of what would be good material for use for these educationals and also as they would suggest other materials of current events in the day or current international situation or situations in our own country. These were suggested to me. One had guidance in the store.

Mr. TAVENNER. They would be sold by the person in charge of the store?

Mrs. JEFFERS. I don't know whether he was in charge of the store, but he is the person with whom I had contact in the store.

Mr. TAVENNER. What was the name of that person?

Mrs. JEFFERS. His name was Ellis.

Mr. TAVENNER. He was known to you by the name of Ellis?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Over how long a period of time did you know that person under that name?

Mrs. JEFFERS. A couple of years.

Mr. TAVENNER. Several years?

Mrs. JEFFERS. I would say a couple of years.

Mr. TAVENNER. Mr. Chairman, testimony has been introduced here by Dr. Patten that the person operating that bookstore was Ellis Colton. I think we will be able to introduce testimony later showing that he was the manager of the store.

Mrs. JEFFERS. I would say in addition that our transaction of selecting literature for the club did not take place in the open store.

Mr. TAVENNER. Yes; tell us about that.

Mrs. JEFFERS. We went into the basement where there was a large library, shelves were lined, so you just did not go into the store and buy your literature in the regular cash transaction.

Mr. TAVENNER. Not right across the counter?

Mrs. JEFFERS. That is right. You went down, and this was more or less privately done.

Mr. TAVENNER. Was this area that you have described open generally to the public?

Mrs. JEFFERS. No, no.

Mr. TAVENNER. It was there in this secret area that you were advised what to get and given what you should have?

Mrs. JEFFERS. Yes. You paid for the literature that you secured last week and picked up the literature for this week.

Mr. TAVENNER. Do you have any knowledge how this person by the name of Ellis knew what books to furnish you at the particular time?

Mrs. JEFFERS. I have no knowledge. I can only make an assumption.

Mr. TAVENNER. I do not ask you to do that.

But you do state, as I understand, that he knew what you were to receive?

Mrs. JEFFERS. He knew the educational program of the professional sections. If we had something special that was not going on in the other section, then we told him, we want to do an educational on whatever, and then he would select books for us, but very often the section was pursuing the same educational course, the same general training, and he would be familiar with that.

Mr. TAVENNER. In the course of your obtaining those books from time to time in the way that you said you did, did you see literature directors from other professional sections there?

Mrs. JEFFERS. I do not recall having done so.

Mr. TAVENNER. Did you turn over to an investigator of this committee books and literature which you received from Mr. Ellis at the bookstore, the International Book Store, Inc.?

Mrs. JEFFERS. Yes.

All of it, however, I did not receive from Mr. Ellis at the bookstore; some of it I did, some of it when I was not literature director I purchased at club meetings, but it had always come from the bookstore.

Mr. TAVENNER. I referred to Mr. Ellis. I meant a person whose first name was Ellis.

I will ask Mr. Wheeler, investigator for the committee, to produce the books. I believe possibly he can assist better.

I have here a book entitled "The Soviets," by Albert Rhys Williams. Will you examine it and state whether or not it is one of the books that you received?

Mrs. JEFFERS. Yes, it is.

Mr. TAVENNER. Political Affairs, a magazine devoted to political affairs and to the theory and practices of Marxism.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Editor, Max Weiss; V. J. Jerome, associate editor.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Another volume of Political Affairs of September 1948, the 14th National Convention in the Communist Party, U. S. A.

Mrs. JEFFERS. That, too.

Mr. TAVENNER. The National Question in the Soviet Union, by M. Chekalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The United States and the Soviet Union.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. A Textbook of Dialectical Materialism, by David Guest.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Wage, Labor, and Capital by Karl Marx, International Publishers, New York.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The Proletarian Revolution and Renegade Koutsky, by V. I. Lenin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. On the Party, by Liu, Shao-ch'i, Foreign Language Press, Peking, 1950. That is one of the Chinese publications you referred to?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Volume 4 of the Little Lenin Library, What Is To Be Done, by V. I. Lenin, published by International Publishers.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. China Fights for Peace, is that another document? It is edited by the Foreign Language Press, Peking, 1950.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The Twilight of World Capitalism, by William Z. Foster.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The 15th National Convention, Communist Party, U. S. A., Organize a Peaceful Front for the People; Political Affairs publication, February 1951.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Marxism pamphlet No. 3, George Dimitroff, United Front Against Fascism.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Marxist Liberal No. 2, Marxism Versus Liberalism, by Joseph Stalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. V. I. Lenin, Two Tactics of Social Democracy in the Democratic Revolution.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Volume 29 of the Little Lenin Library, Marxism and Revisionism, by V. I. Lenin and Joseph Stalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Foundations of Leninism, by Joseph Stalin.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Outline of Political History of the Americas, by William Z. Foster.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The Constitution of the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I see here numerous other papers and documents, another one being On Organization, by J. Stalin, from the Little Stalin Library, and volume 19 of the Little Lenin Library.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I see here another pamphlet entitled "Mutiny—The Real Story of How the Navy Branded Fifty Fear-Shocked Sailors as Mutineers"; "America's Post-War Problems"; with a foreword by William Z. Foster.

Mrs. JEFFERS. Yes.

Mrs. TAVENNER. How Socialism Works, by John Starchey.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Numerous editions of Political Affairs; the Citizen Writer, by Albert Maltz.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Ideas They Cannot Jail, Eugene Dennis.

That is all that I will take time to produce.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. While we are still on the subject of Communist Party literature, while you were a member of the Communist Party, were you instructed to read any particular weekly or monthly publications of the Communist Party?

Mrs. JEFFERS. We were expected to read regularly the Daily People's World and Political Affairs, which was monthly.

Mr. TAVENNER. Do you know if the Communist Party had an intra-party paper?

Mrs. JEFFERS. Occasionally there was issued a leaflet, sometimes mimeographed and sometimes printed by the party, issued by the party, for educational use, directing our attention to certain problems and to the direct solution of them according to the party line.

Mr. TAVENNER. Did you deliver to the investigator of the committee several copies of that paper?

Mrs. JEFFERS. I think so.

Mr. TAVENNER. Will the investigator, Mr. Wheeler, please hand them to the witness?

Will you identify those, please, or do you identify them as copies?

Mrs. JEFFERS. I identify them as material which I received and which was to be used for educational purposes, published by the party.

Mr. TAVENNER. Mr. Chairman, I do not want to introduce these documents and records in evidence, but I would like to ask the witness, if it is agreeable to her, if the committee may retain possession of these documents long enough to make a study of them.

Mrs. JEFFERS. I would say so; yes; I have no objection.

Mr. TAVENNER. The paper entitled, "The Party Review," carried on its first page an article under the heading, "For Trade and Friendship with People's China." You say that these items were to be used in study work of the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I see here among the papers you have turned over a paper which appears to be entitled, "Our Party," issued by national organization and education departments, Communist Party, United States of America, May 1951.

It seems to be devoted principally to the Negro question.

I think, Mr. Chairman, at this point, that I will ask the witness to step down and I would like to call another witness.

The CHAIRMAN. All right. The witness is excused at the moment.

Mr. TAVENNER. Mr. Ellis Colton.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELLIS. I so do.

TESTIMONY OF ELLIS COLTON, ACCOMPANIED BY COUNSEL, NORMAN LEONARD

Mr. TAVENNER. Will you state your name, please sir?

Mr. COLTON. My name is Ellis Colton.

Mr. TAVENNER. Will you spell your last name, please?

Mr. COLTON. C-o-l-t-o-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. LEONARD. Norman Leonard, 241 Montgomery Street, a member of the Bar of the State of California and of the Supreme Court of the United States.

Mr. TAVENNER. When and where were you born, Mr. Colton?

Mr. COLTON. I was born in Chicago, Ill., on December 30, 1915.

Mr. TAVENNER. Where do you now reside?

Mr. COLTON. I now reside in San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mr. COLTON. I have lived in San Francisco since approximately March 1923.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. COLTON. Would you kindly advise me, Mr. Chairman, what your counsel means by formal education?

Mr. TAVENNER. What schools have you attended as part of your educational preparation?

Mr. COLTON. Educational preparation for what, Mr. Chairman?

Mr. TAVENNER. For any occupation that you may have later decided that you would enter upon.

Mr. COLTON. The education leading to my college degree was as follows: I am a graduate of Sutro Grammar School in San Francisco. I subsequently attended 6 months of Voll High School. I then transferred to Polytechnical High School in San Francisco from where I was graduated.

I then attended San Mateo Junior College in San Mateo, Calif., where I was graduated; then the University of California from which I received bachelor of arts degree. I subsequently took postgraduate work at the University of California.

Mr. TAVENNER. There has been testimony, Mr. Colton, that you operated the International Book Store, Inc., in San Francisco. The testimony has been taken at an executive session of the committee showing that a person acting in behalf of the committee purchased from the International Book Store on April 2, 1957, this document, entitled, "Soviet Union, 1957, No. 1 (83)."

(Document identified as "Committee Exhibit No. 1," was handed to the witness.)

Mr. TAVENNER. Will you examine it please and state whether or not the International Book Store was engaged in the selling of that document in April of 1957 or similar documents?

Mr. COLTON. Mr. Chairman, I should like to know the relevancy of this question and wonder whether it might be a desire on the part of this committee to introduce legislation into Congress to ban the sale of books.

The CHAIRMAN. No; that is not the purpose at all.

Proceed, Mr. Tavenner. Explain the relevancy of the question.

Mr. TAVENNER. Mr. Colton, at the opening of this hearing, the chairman announced he had made a report to Congress in 1956 at the end of the session, in fact the report is dated in January of 1957, with regard to the necessity for strengthening the provisions of the Foreign Agents Registration Act, so as to afford a more effective means of counterattacking the schemes and devices used in avoiding the prohibitions of the act with regard to the flow of political propaganda of a Communist origin into this country.

The chairman announced that that was one of the subjects which would be considered at this hearing and that is the matter I am directing to your attention at this time. That is the general subject of the matter I am inquiring about at the moment.

I do not see why it is necessary that you should question me regarding the pertinency of that document in light of the announcement of the subject, but if you desire further clarification as to the pertinency, I will be glad to try to answer your questions about it.

In other words, it seems that I am now the person being questioned rather than you.

Mr. COLTON. It is my understanding from a reading of the Supreme Court decision in the Watkins case that it is the duty of this committee to make the purpose of its questions indisputably clear provided the witness does not understand it.

Mr. TAVENNER. Yes; provided the witness does not understand it and provided the questions are not perfectly plain on their face and the pertinency does not seem apparent to the witness. Do you still state that you do not understand the pertinency of the question?

Mr. COLTON. I shall consult with my counsel.

Mr. TAVENNER. I want to know whether you understand it, and not your counsel.

Mr. COLTON. I want to discuss with my counsel my legal rights on that question, sir.

When you have completed your statement of clarification involved, I will move on to the next problem involved here; of answering the question.

Mr. TAVENNER. Are you satisfied as to the pertinency of the question?

Mr. COLTON. No, sir. It is not a question of my being satisfied as to the pertinency of the question at all.

Mr. TAVENNER. Then why did you ask me about it, to explain it? Is this just a game you are playing? I thought you wanted——

Mr. COLTON. Which question do you want me to answer?

Mr. TAVENNER. I thought you wanted to know the pertinency of the question. Now you say it is not a question of your being satisfied as to the pertinency, so I say I think I am entitled to conclude that you are just playing a game with the committee.

The CHAIRMAN. Proceed, Mr. Tavenner. It is perfectly obvious what it is.

Mr. COLTON. I wish to respectfully say that I am not playing any game. I am merely trying to assert my rights as I understand them to be.

The CHAIRMAN. Maybe I can clarify this situation. We have been studying for some time the advisability of recommending to the Congress the enactment of legislation extending the scope of the Foreign Agents Registration Act.

The paper or magazine which you have just been shown has come into the United States in large quantities, literally tons of it along the Atlantic seaboard. It finds its way into the hands of people who do not subscribe for it or buy it, and quite obviously it is a propaganda medium.

What we would like to know is whether or not you sold this magazine, how you got it, where it came from, and whether you had been distributing it free as is the case in New York, Philadelphia, Baltimore, and elsewhere.

Now, Mr. Tavenner, proceed with the questioning as to where it came from and so on.

Mr. TAVENNER. With that explanation of the subject matter and the pertinency of this inquiry, I will ask you whether or not the International Book Store in April was engaged in the selling of the magazine that I exhibited to you.

(The witness conferred with his counsel.)

Mr. COLTON. Sir, I refuse to answer the question on the following grounds: In view of Congressman Walter's statement that it is for the purpose of effecting legislation concerning the sale of books or magazines, I feel that such sale——

The CHAIRMAN. May I interrupt at that point?

We are not concerned with the sale of books or magazines. We are concerned with the distribution of Communist propaganda and nothing else. I hope you have not misunderstood me.

Mr. COLTON. Sir, the thing that was presented to me was a magazine. Where it comes from was not the question involved to my mind.

The CHAIRMAN. Take a shortcut then. Did you ever see this magazine before?

Mr. COLTON. I have seen it right now, sir.

The CHAIRMAN. Did you ever see it before?

Mr. COLTON. Sir, this is a matter of books, which is involved, which is protected by the first amendment. Whether it is a Communist book or any other kind of book, it is still a book.

The CHAIRMAN. Did you ever see that magazine before?

Mr. COLTON. Sir, I am answering the previous question and with your indulgence I would like to finish my statement in answer to Mr. Tavenner's question.

The CHAIRMAN. Mr. Tavenner withdrew his question. I am asking a few questions. Did you sell that particular magazine to anyone?

Mr. COLTON. Sir, I object to the question that is being posed to me for the following reasons: One of the announced purposes of this hearing is to secure evidence as a basis for legislation to outlaw the Communist Party of the United States.

This is clearly an illegal purpose, since article I, section 9 of the United States Constitution forbids Congress from legislating a bill of attainder. I will not be a party to a conspiracy on the part of this committee or any group to gather evidence to perform an illegal act.

Secondly, since the United States Supreme Court in 1945 held, in the *Schneiderman* case, that a study of the Communist Party literature and activities should lead a reasonable person to believe that the Communist Party aims by peaceful, democratic, and constitutional means, the reference by the chairman of this committee to a Communist conspiracy is vague and untrue.

This decision in 1945 has been given additional strength by Judge Harlan's decision this past Monday, freeing 5 California Smith Act victims and ordering new trials for 9 others.

Thirdly, I challenge the authorizing resolution for this committee, citing the following statement from Chief Justice Warren's majority decision in the *Watkins* case this Monday:

It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of "un-American"? What is that single, solitary "principle of the form of government as guaranteed by our Constitution"?

And further:

Combining the language of the resolution with the construction it has been given, it is evident that the preliminary control of the committee exercised by the House of Representatives is slight or nonexistent. No one could reasonably deduce from the charter the kind of investigation that the committee was directed to make.

Further, from Chief Justice Warren's decision:

The final source of evidence as to the "question under inquiry" is the chairman's response when petitioner objected to the questions on the grounds of lack of pertinency. The chairman then announced that the subcommittee was investigating "subversion and subversive propaganda." This is a subject at least as broad and indefinite as the authorizing resolution of the committee, if not more so.

Fourthly, since the United States Congress is forbidden by the first amendment of the Constitution from legislating in the fields of speech, press, assembly, and association, this committee has no authority for investigating in these areas.

I recognize, as did Chief Justice Earl Warren in the Watkins case, that it is the duty of a citizen to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. However, I also recognize, as the Chief Justice did, and the committee apparently does not, that this obligation on the part of a citizen has a correlative obligation on the part of the committee to respect the constitutional rights of witnesses.

The Chief Justice further said, that:

The Bill of Rights is applicable to investigations as to all forms of governmental action.

This committee apparently does not recognize the first amendment, which is the cornerstone of the Bill of Rights. I do, and I insist on my rights under it. In fact, in considering the powers of this very committee in the Watkins case, Chief Justice Warren said:

Nor can the first amendment, freedom of speech, press, religion, or political belief and association be abridged.

Fifthly, since these hearings are being televised in defiance of the Rules of the House of Representatives and the opinions of the Speaker of the House, Hon. Sam Rayburn, I do not wish my answering this question to involve myself in any conspiracy to violate the Rules of the House of Representatives.

The CHAIRMAN. The Chair is not aware that there is any such rule.

Mr. COLTON. If the committee is interested in action to subvert the United States Congress, I suggest they investigate the overt acts of an intimidation of Negroes in the Southern States.

The CHAIRMAN. Now you are directed to answer the question.

Mr. COLTON. I understand by your direction, sir, that you do not accept the first amendment rights as I have indicated them in my brief statement.

The CHAIRMAN. You did not refuse to answer the question. You merely objected to the question and after having heard your speech, I directed you to answer the question.

Mr. COLTON. I take it, sir, that my objection, sir, has been overruled?

The CHAIRMAN. I am directing you to answer the question.

Mr. COLTON. In view of the fact that this committee refuses to recognize the validity of any objections based on the first amendment to the United States Constitution and refuses to recognize the validity of a decision of the Supreme Court of the United States and even refuses to recognize that it is violating the Rules of the House of Representatives as publicly announced yesterday by Speaker Sam Rayburn, I must in order to assure full legal protection to myself rely on the fifth amendment of the United States Constitution.

Believing myself innocent of any wrong, this privilege is invoked in full awareness of the United States Supreme Court decision holding that the use of the fifth amendment privilege against self-incrimination is a shield for the innocent as well as the guilty.

The CHAIRMAN. Then, I understand that you refuse to answer the question by invoking the fifth amendment; is that right?

Mr. COLTON. In view of the fact that this committee refuses to recognize the validity of any objection based on the first amendment to the United States Constitution and refuses to recognize the validity of a decision of the United States Supreme Court and even refuses to

recognize that it is violating the Rules of the House of Representatives as publicly announced yesterday by Speaker Sam Rayburn, I must in order to assure full legal protection to myself rely on the fifth amendment of the Constitution of the United States.

Believing myself innocent of any wrongdoing, this privilege is invoked in full awareness of the United States Supreme Court decision holding that the use of the fifth amendment privilege against self-incrimination is a shield for the innocent as well as for the guilty.

Mr. SCHERER. Mr. Chairman, we have in this country and we have had for some time the Foreign Agents Registration Act which has been held constitutional by the courts. The Foreign Agents Registration Act requires the labeling of political propaganda coming into this country—foreign political propaganda.

The Bureau of Customs which is charged with determining what constitutes political propaganda under the Foreign Agents Registration Act, has previously testified before this committee that this particular magazine, and that is my best recollection of that testimony, comes under the Foreign Agents Registration Act and must be stamped as such as required by that act.

I think the committee, Mr. Chairman, is recommending the strengthening of that act, because there has been abundance of testimony that that act has been violated by the Communists throughout this country, and that there has come into this country literally hundreds and hundreds of tons of political propaganda from Soviet countries or Iron Curtain countries that have violated the Foreign Agents Registration Act, namely, that such literature and propaganda is not labeled as political propaganda as required by the act. We certainly have a right to ask this witness whether or not this magazine which he sold has been sold in violation of that act.

I have looked through that exhibit and it is not labeled in accordance with the present requirements of the Foreign Agents Registration Act. I am going to ask this witness a question after that explanation:

Would you look at the magazine and tell us whether it is so marked?

Mr. COLTON. Mr. Congressman, do you have the compulsion, the power to compel me to look at an exhibit?

Mr. SCHERER. I think I do, yes, and I ask that you direct the witness to look at the magazine which he sold in violation of the Foreign Agents Registration Act.

The Congress is empowered to investigate and determine whether the Foreign Agents Registration Act is being violated.

The CHAIRMAN. Do not bother. The fact of the matter is, it is not stamped.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee, please, from what source you acquired the document presented to you which is marked "Committee Exhibit No. 1."

Mr. COLTON. Mr. Chairman, I refuse to answer the question on the following grounds: One of the announced purposes of this hearing is to secure evidence as a basis for legislating to outlaw the Communist Party of the United States.

The CHAIRMAN. May I interrupt you at this point? Are you going to read the same thing you read before? You can merely say, "I object for the reasons as heretofore stated," without reading it all over.

Mr. COLTON. When your counsel, Mr. Chairman, insists in asking questions of a similar character of the one previously asked, which I answered, I must continue to answer the same question in the full sense that he asks this question.

The CHAIRMAN. Are you going to read that all over again? Go ahead.

Mr. COLTON. One of the announced purposes of these hearings is to secure evidence as a basis for legislation to outlaw the Communist Party of the United States. This is clearly an illegal purpose since article I, section 9, of the United States Constitution—will the record please show that Congressman Scherer has left the stand at this point?

The CHAIRMAN. Let the record show that Congressman Scherer has left the committee room.

Mr. COLTON. Thank you. This is clearly an illegal purpose since article I, section 9, of the United States Constitution forbids Congress from legislating a bill of attainder.

I will not be a party to a conspiracy on the part of this committee or any group to gather evidence to perform an illegal act.

Secondly, since the United States Supreme Court in 1945 held in the *Schneiderman* case that a study of Communist Party literature and activities should lead a reasonable person to believe that the Communist Party aimed to achieve its aims by peaceful, democratic, and constitutional means, the reference by the chairman of this committee to a Communist conspiracy is vague and untrue.

This decision in 1945 has been given additional strength by Judge Harlan's decision of this past Monday, freeing 5 California Smith Act victims and ordering new trials for 9 others.

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It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of "un-American"? What is that single, solitary "principle of the form of Government as is guaranteed by our Constitution"?

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This is a subject at least as broad and indefinite as the authorizing resolution of the committee, if not more so.

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I recognize, as did Chief Justice Earl Warren in the *Watkins* case that it is the duty of a citizen to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action.

However, I also recognize as the Chief Justice did, and this committee apparently does not, that this obligation on the part of a citizen has a correlative obligation on the part of the committee to respect the constitutional rights of witnesses.

The Chief Justice further said that—

The Bill of Rights is applicable to investigations as to all forms of governmental action.

This committee apparently does not recognize the first amendment which is the cornerstone of the Bill of Rights.

I do, and I insist on my rights under it. In fact, in considering the powers of this very committee in the Watkins case, Chief Justice Warren said:

Nor can the first amendment freedoms of speech, press, religion, or political belief and association be abridged.

Fifthly, since these hearings are being televised in defiance of the rules of the House of Representatives and the opinions of the Speaker of the House, Sam Rayburn, I do not wish by answering this question to involve myself in any conspiracy to violate the rules of the House of Representatives.

Finally, may I suggest that if the committee is interested in actions designed to subvert the United States Constitution that they investigate the overt acts of murdered and intimidated Negroes in the Southern States desiring to exercise their constitutional rights of voting in Federal elections.

Mr. McINTOSH. Mr. Witness, you have been in this hearing room for several days, have you not? You have been here watching the proceedings?

[Witness nods head.]

Mr. McINTOSH. Are you aware if you request the television camera not to take pictures of you that that request is respected?

Mr. COLTON. Pardon me, sir?

Mr. TAVENNER. I think the record should disclose the conference between the witness and his counsel on a question of that type.

Mr. LEONARD. As far as counsel is concerned, counsel has no objection to the record showing that constant conferences are engaged in between counsel and client.

Does the committee object?

The CHAIRMAN. Of course the committee does not object.

Mr. LEONARD. Then, I take it we may proceed?

The CHAIRMAN. Go ahead.

Mr. COLTON. First, sir, I wish to state that my name was thrown on the television and mentioned on the television screen yesterday by a witness and today by a witness without my being advised or consulted at all. And secondly, according to yesterday's San Francisco News, when a witness asked to have her picture cut off, the television camera continued to have her picture on the screen in violation of your own rules.

The CHAIRMAN. That is not the fact.

Mr. COLTON. Pardon me, sir?

Mr. McINTOSH. In my experience on this committee, to my knowledge, no one has had his picture taken by a television camera who requested that it not happen. If you so desire now, why do you not say so now instead of giving speeches about it?

If you want the cameras taken off you, speak to the cameraman.

Mr. COLTON. I was subpoenaed here by you, Mr. Chairman, by the committee.

The CHAIRMAN. You were subpoenaed by the committee. I am merely an agent of the United States doing what is to me, a very distasteful job. It is not my committee, and I have nothing to do except what I am doing now.

Mr. McINTOSH. The other comment I would like to make, in directing you to answer this question, is that the committee has decided that the pertinency of the question has been adequately explained and we are defying no one. We are merely making a ruling.

The CHAIRMAN. Will you answer the question now? You are directed to answer the question.

Mr. COLTON. In view of the fact that this committee refuses to recognize the validity of any objection based on the first amendment to the United States Constitution and refuses to recognize the validity of a decision of the United States Supreme Court and refuses to recognize that it is violating the Rules of the House of Representatives as publicly announced yesterday by Speaker Sam Rayburn, I must in order to assure full legal protection to myself, rely upon the fifth amendment of the Constitution of the United States.

Believing myself innocent of any wrongdoing, this privilege is invoked in full awareness of the United States Supreme Court decision holding that the use of the fifth amendment privilege against self-incrimination is a shield for the innocent as well as the guilty.

Mr. SCHERER. You said believing yourself innocent of any wrongdoing. Then tell us why you violated the Foreign Agents Registration Act and did not label that book.

Mr. COLTON. I should like to consult with my counsel.

I should like to ask the Congressman who addressed the question to me as to who said I violated the Foreign Agents Registration Act.

Mr. SCHERER. I said so, because the book does not comply with the Foreign Agents Registration Act.

Mr. COLTON. I shall consult with my counsel.

Sir, if it is your belief that I have violated any Federal law, it is your responsibility to report that to the Department of Justice for prosecution and not to try me here before this committee.

Mr. SCHERER. We may do that. [Applause.]

The CHAIRMAN. May I again remind you that you in the audience are here as the guests of this committee and that demonstrations one way or the other cannot be tolerated. If they occur again the hearing room will have to be cleared.

Maybe I can straighten out something. This is not a trial of any sort. A congressional committee is endeavoring to obtain information for the purpose of determining how we can strengthen our Republic against the things that are happening in other places at the moment.

Among other things is this question of the registration under the law that Mr. Scherer called to your attention. I tell you, as a matter of fact, that thousands of copies of this particular periodical and similar ones have gotten into the hands of all sorts of people, and it may well be that you could give us some information which would direct us on a course that would prevent information of this sort

from getting into the hands of naive people who do not realize what it is.

If you look at it—and I do not ask you to look at it, but there is nothing in that beautiful magazine—and it is a beautiful job, to indicate who the editor is, the associate editor, the art editor, the source of the material.

It is just a beautiful magazine, propaganda 100 percent, and, significantly enough, there are no pictures of East Berlin or these other Utopias in it. These beautiful shots were taken, designed to make people think that Russia is something that it is not.

You can help us by telling us whether or not you had that magazine, and how it came into your possession.

Mr. SCHERER. The magazine contains no advertising.

May I supplement what you said, Mr. Chairman, namely, that this committee does not pretend that by law it could prevent or wants to prevent the circulation of that magazine. The purpose is to compel compliance with the Foreign Agents Registration Act so that people who get it and read it know where it comes from.

That is the purpose of the Foreign Agents Registration Act, to stamp it, so that people know where it comes from and can recognize it then as propaganda. It gives the reader, then, the opportunity to know where it comes from and what it is.

The CHAIRMAN. That is a very expensive piece of work without 5 cents' worth of advertising in it. Somebody pays for it. Do you want to answer the question? Did you have that in your possession for sale?

Mr. TAVENNER. Mr. Chairman—

The CHAIRMAN. Let him answer the question, Mr. Tavenner.

Did you have that magazine in your possession?

Mr. COLTON. In the first place, sir, you stated that it was not a trial, but the gentleman on your left accused me—

The CHAIRMAN. I am going to withdraw the question.

Proceed, Mr. Tavenner.

Mr. TAVENNER. I think I should make this comment to you, Mr. Colton. You read very extensively from the decision of the Watkins case against the United States, but it is noted that you did not read the thing that is pertinent to this inquiry. It will be found near the bottom of page 33. You have read some of the material on that page, but not this. There, the Court said:

* * * it is the duty of the investigative body upon objection of the witness on grounds of pertinency—

And incidentally, you did raise that objection—

to state for the record the subject under inquiry at that time and the manner in which the propounded questions are pertinent thereto. To be meaningful, the explanation must describe what the topic under inquiry is and the connective reasoning whereby the precise questions asked relate to it.

That is the objection you raised. We explained in great detail the very items that the Court said should be explained to you and then, upon the completion of it, instead of your endeavoring to answer the question or say even that you were satisfied about the question of pertinency, you take the fifth amendment.

The CHAIRMAN. May I add that we feel that we have met the objection in the Watkins case and we feel that we ought to, in all fairness to the Supreme Court, let them have another look at that decision.

Mr. TAVENNER. Mr. Colton, I hand you and ask you to examine five other documents which have been shown in executive testimony before this committee to have been purchased from the International Book Store on April 2, 1957. That is the bookstore in San Francisco.

Committee Exhibit No. 2 is entitled "A Village Moves to Socialism"; "Supplement to 'China Reconstructs', No. 10, 1956." The article is by Sun Tan-Wei. It is published in Shanghai, China.

It does not bear the stamp or label required by the Foreign Agents Registration Act.

I present to you also, Committee Exhibit No. 3, entitled "Once More About the Historical Experience of the Dictatorship of the Proletariat." The article is published by a newspaper which I will spell: J-e-n-m-i-n-j-i-h-p-a-o, December 29, 1956. It is printed by the Foreign Languages Publishing House, Moscow, 1957.

Mr. SCHERER. Does that bear the Foreign Agents Registration Act stamp?

Mr. TAVENNER. There is no labeling under that act in this document.

The next document, Committee Exhibit No. 4, that I present to you is a newspaper, an issue of the newspaper, Moscow News, No. 13 (117), Wednesday, February 13, 1957, which was likewise purchased from the International Book Store in San Francisco. It bears no label as required by the Foreign Agents Registration Act.

I present to you also Committee Exhibit No. 5, a magazine entitled "People's China," October 20, 1956, which, according to testimony taken in executive session of the committee, was acquired in the same manner. It is published by the Foreign Languages Press, Peking, China.

I present to you the last document, Committee Exhibit No. 6, entitled "China Reconstructs," February 1957, volume VI, No. 2. It was printed in the People's Republic of China. It does not bear any of the labeling required by the act. There does appear in it this notation:

Please note change of address of our business office to: 40a Tung Huangcheng Ken, Peiping, China.

Mr. SCHERER. Mr. Tavenner, I have examined these, some of which were printed in Peking, China, and some of them in Moscow, Russia.

All of the publications are English, obviously not printed for consumption in the countries in which they were printed and, as you say, none of them bear the labels as required by the laws of this country.

Mr. TAVENNER. Will the witness please examine those documents?

Mr. SCHERER. May I also make this observation: None of them has any advertising in them, so the printing of them had to be subsidized.

Mr. TAVENNER. Will you examine those documents and advise the committee where the International Book Store acquired them?

Mr. COLTON. Mr. Chairman, am I directed to answer that question?

The CHAIRMAN. You are directed to answer the question; yes.

Mr. COLTON. Mr. Chairman, I could repeat my previous statement, but in consideration of the time element, I would like to merely state that I rest myself on the privileges and objections previously stated.

The CHAIRMAN. Including the fifth amendment?

Mr. COLTON. The whole, entire group of them.

The CHAIRMAN. Including the fifth amendment?

Mr. COLTON. Including the first amendment, the fifth amendment. The Supreme Court decisions.

The CHAIRMAN. The committee will recess.

(Brief recess.)

The CHAIRMAN. The committee will be in order.

(Members of the committee present: Representatives Francis E. Walter, chairman, Gordon H. Scherer, and Robert J. McIntosh.)

The CHAIRMAN. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, as the witness saw fit to make a part of this record, a statement that some witness appearing earlier in the hearing was televised against her wishes after the chairman of the committee directed that it not be done, I made some investigation during the period of the recess and I was advised by the parties responsible for operating the camera that they did not televise that person while testifying, but after she had left the stand she walked across in front of the frame. It was through her act and not through theirs, that it occurred.

Mr. Colton, I hand you a photostatic copy of page 2 of the Daily People's World of March 17, 1953, and call your attention to an article called, 400 at SF Rally Honor Stalin as Foremost Champion of Peace, and underscored in red you will see the name of Ellis Colton, with a title after his name—that of manager of the International Book Store.

Was that a correct description of you as of the date of publication of that paper?

Mr. COLTON. Am I directed to answer that question, Mr. Chairman?

The CHAIRMAN. Yes; you are directed to answer that question.

Mr. COLTON. Mr. Chairman, I could read the entire statement I have read already, but in consideration of the time element, I am wondering whether you would prefer that I merely indicate that I stand on all of the privileges, rights previously stated, the first amendment, the fifth amendment, and the Watkins decisions and all other pertinent remarks of my own.

Mr. TAVENNER. Mr. Colton, it is interesting to note from this article, aside from the question that I asked you, that in March 1953, after the death of Stalin that this large rally was held here in his honor.

According to the article, State Communist Party Chairman William Schneiderman set the tone for the meeting by labeling vilification of Stalin by the press and radio as "mass production of falsehood."

He also says "oceans of ink have been spilled to vilify him by a few detractors, but oceans of tears have been shed by people all over the world." Numerous other people spoke in endearing terms of Stalin and in very severe criticism of anyone who would vilify him.

According to this article, Ellis Colton, manager of the International Book Store, spoke briefly about Stalin's published writings.

Will you tell the committee please, whether, since the pronouncements in the Soviet Union by Khrushchev vilifying Stalin, the very opposite of which occurred here in 1953, there has been a similar trend of opinion within the professional cells of the Communist Party in San Francisco, if you know?

Mr. COLTON. Mr. Chairman, am I directed to answer that question?

The CHAIRMAN. Yes, you are directed to answer that question.

Mr. COLTON. Mr. Chairman, in reply to the counsel's question, I could read the statement previously read, but in consideration of the time problem, I state that I stand on the privileges, rights asserted therein with specific reference to the first amendment, the fifth amendment, the Supreme Court decisions, the House of Representative rulings and other pertinent material which I mentioned.

Mr. TAVENNER. I desire to offer the document into evidence, Mr. Chairman, and ask that it be marked, "Colton Exhibit No. 1."

The CHAIRMAN. It will be so marked and made a part of the record. (The exhibit referred to is as follows:)

COLTON EXHIBIT No. 1

400 AT SF RALLY HONOR STALIN AS FOREMOST CHAMPION OF PEACE

SAN FRANCISCO, March 16.—The contributions of Joseph Stalin to the cause of world peace—as a teacher, an editor, and as a people's leader—were honored last night as more than 400 persons attended San Francisco's "Stalin and Peace" mass meeting.

Nailing "vilification" of Stalin by the press and radio as "mass production of falsehood," state Communist party chairman William Schneiderman set the tone for the meeting with his declaration: "Oceans of ink have been spilled to vilify him by a few detractors, but oceans of tears have been shed by people all over the world."

The death of the Soviet premier, Schneiderman declared, "is a loss to our country and our people as well as to all humanity."

Juanita Wheeler, San Francisco Negro community leader and Daily People's World staff member, was chairman of the well-received meeting, one of a number sponsored by the Daily People's World.

"The fight against fascism will not be won until the peoples of the world can insure peace all throughout the world," Mrs. Wheeler declared.

Speaking of Stalin as a student, teacher, and scholar, Dr. Holland Roberts recalled the young man Stalin who strode down the gauntlet of club-swinging Tsarist police "with a book under his arm."

"We will remember this man," said Dr. Roberts, "with a scholar's head, a worker's face, and the dress of a private soldier."

Al Richmond, Daily People's World executive editor, spoke of Stalin as an editor, as the founder of Pravda, "the most influential paper in the world today."

"The job of the people who appreciate Stalin's work is to see that the people are not deceived, entangled into lies, and thus drawn into war," Richmond said. He urged the building of The People's World in furtherance of that aim.

Ellis Colton, manager of the International Book Store, spoke briefly about Stalin's published writings, and the California Labor School chorus presented a portion of Dmitri Shostakovich's cantata, "Song of the Forest."

Mr. TAVENNER. Mr. Chairman, the committee has obtained by subpoena duces tecum, a photostatic copy of a signature card at the American Trust Co., of San Francisco. I desire to hand the document to the witness and ask whether or not he sees first a resolution showing that Ellis Colton is the assistant treasurer as of September 8, 1948, and that it was a current signature card for purposes of identification of his name in the execution of checks in the same manner.

Mr. COLTON. Am I directed to answer that question, Mr. Chairman?

The CHAIRMAN. Yes; you are directed to answer the question.

Mr. COLTON. I could read the statement previously read, Mr. Chairman, but in consideration of the time problem, I state that I stand on the complete statement that I have read including reference to the first, fifth amendment, United States Constitution, House of Representatives decision, and other pertinent information therein.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Colton Exhibit No. 2."

The CHAIRMAN. It will be so marked and received.

(The exhibit referred to is as follows:)

COLTON EXHIBIT No. 2

RESOLUTION AUTHORIZING SIGNING AND ENDORSING
CHECKS AND OTHER INSTRUMENTS

"RESOLVED, that AMERICAN TRUST COMPANY be, and it is hereby selected as a Depositary of the funds of this Corporation, and that checks or drafts withdrawing said funds may be signed by any one of the following:

	NAME	TITLE
1.	<u>John Voich</u>	<u>Sec. Treasurer</u>
2.	<u>Ellis Colton</u>	<u>Asst Treas</u>
3.		
4.		
5.		
6.		

Please Type or Print Names and Titles

"FURTHER RESOLVED: that AMERICAN TRUST COMPANY is authorized to honor and pay any and all checks and drafts of this corporation signed as provided herein, whether or not payable to the person or persons signing them; and that checks, drafts, bills of exchange, and other evidences of indebtedness may be endorsed for deposit to the account of this corporation by any of the foregoing or by any other employee or agent of this corporation, and may be endorsed in writing or by stamp and with or without the designation of the person so endorsing.

"FURTHER RESOLVED: that the authority hereby conferred shall remain in force until written notice of the revocation thereof by the Board of Directors of this Corporation shall have been received by said depositary at the office at which the account is kept; and that the certification of the secretary or an assistant secretary as to the continuing authority of this resolution and the persons authorized to sign and their signatures, shall be binding upon this corporation."

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Directors of this corporation at a meeting of said Board regularly held on the 8th day of Sept, 1948, and that said resolution is still in full force and effect.

I further certify that the signatures appearing on the reverse side of this card are the signatures of the persons authorized to sign for and on behalf of this corporation.

Witness my hand and the seal of this corporation this 8th day of Sept, 1948

(SEAL)

John Voich
Secretary

International Book Store Inc.
Name of Corporation

COLTON EXHIBIT No. 2—Continued

(11-12-57) 11408

ADDRESS ~~1400~~ Market St TELEPHONE ~~HE 1-9793~~
 3-2986

BUSINESS Book Store

BANK REFERENCE

ACCOUNT ARRANGED FOR BY

OPENED BY *John Verich* DATE *SEP 1 1945* AMT. APPROVED BY *Claron*

DATE CLOSED AVERAGE BALANCE

REASON FOR CLOSING

INTERNATIONAL BOOK STORE, INC.
 (TYPE OR PRINT NAME OF CORPORATION HERE)

The above-named corporation, by its duly authorized officers, agrees that this shall be a COMMERCIAL account, and further agrees to be bound by, and that this account shall be subject to, the By-laws of AMERICAN TRUST COMPANY and all present and future amendments thereto, all resolutions, regulations, rules and practices now or hereafter adopted by American Trust Company with respect to accounts of similar character.

AUTHORIZED SIGNATURES	TITLE
<i>John Verich</i>	<i>Sec. Treasurer</i>
<i>Ellis Colton</i>	<i>Asst. Treas.</i>

DATED AT *San Francisco* CALIFORNIA *Sept 1* 19*45*

DA 5 (12-44)-244-S-42 (REV. 1-5) CORPORATION

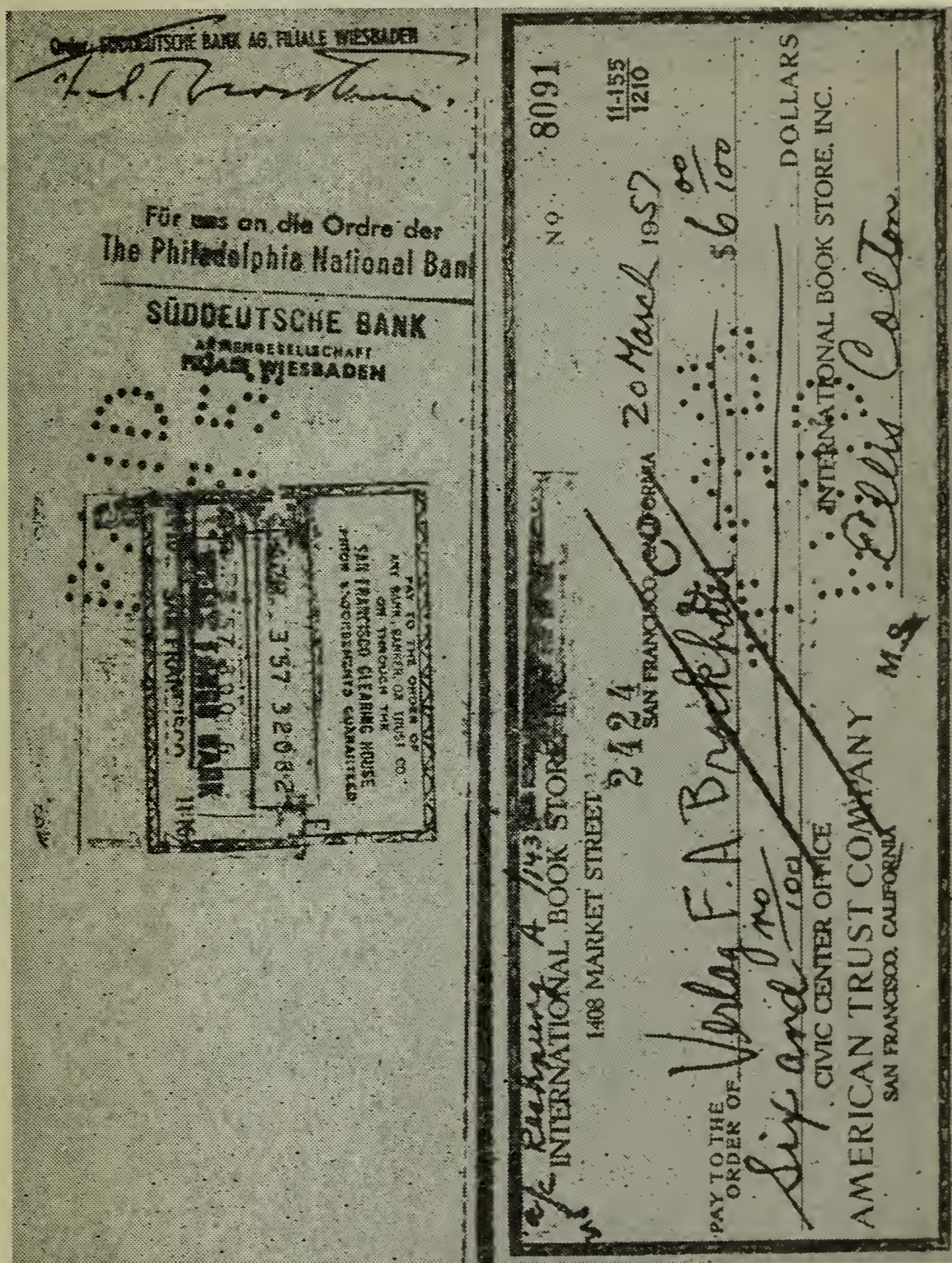
Mr. TAVENNER. Mr. Chairman, the committee also, by subpoena duces tecum, obtained photostatic copies of certain checks of the International Book Store, Inc. I have one before me bearing date of March 20, 1957, payable to Verlag F. Brockhaus, endorsement shown on it that it was cashed in Wiesbaden, Germany.

I desire to offer the check in evidence and ask that it be marked as "Colton Exhibit No. 3."

The CHAIRMAN. It will be so marked.

(The exhibit referred to is as follows:)

COLTON EXHIBIT No. 3



MR. TAVENNER. Will you examine the check, please, sir, and state for what it was issued? What did you purchase with that check?

Mr. COLTON. Mr. Chairman, I give the same answer as I gave to the previous question.

Mr. TAVENNER. I desire to offer in evidence another check procured in the same manner. It is a check of the International Book Store, Inc., signed by Ellis Colton, bearing date March 12, 1957, payable to E. Marlborough & Co., Ltd., which check was cashed in England.

Will you examine the check, please, sir, and state for what purpose it was given? What did you purchase with it?

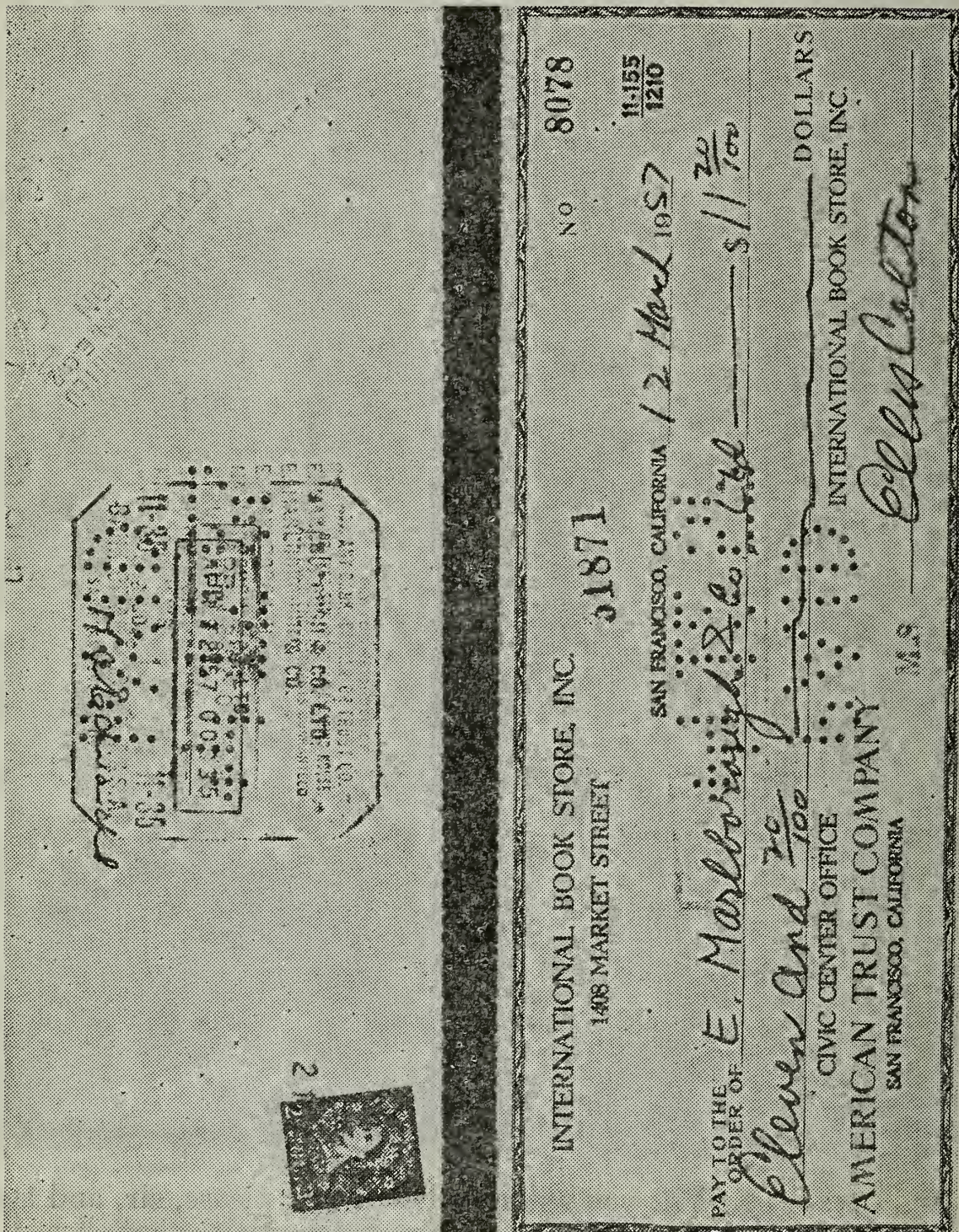
Mr. COLTON. The same answer, Mr. Chairman.

Mr. TAVENNER. I desire to offer it in evidence and ask that it be marked "Colton Exhibit No. 4."

The CHAIRMAN. It will be so marked and received.

(The exhibit referred to is as follows:)

COLTON EXHIBIT No. 4



INTERNATIONAL BOOK STORE, INC.
1408 MARKET STREET
SAN FRANCISCO, CALIFORNIA

NO 8078

11-155
1210

12 March 1957

PAY TO THE ORDER OF E. Marlborough & Co., Ltd. \$11.20

Eleven And 20/100

CIVIC CENTER OFFICE
AMERICAN TRUST COMPANY
SAN FRANCISCO, CALIFORNIA

INTERNATIONAL BOOK STORE, INC.
DOLLARS

Ellis Colton

MS

2

Mr. TAVENNER. I hand you another check, similarly procured. It is a photostatic copy of it signed by Ellis Colton, bearing date March 7, 1957, payable to W. H. Smith & Sons, Ltd., which shows by endorsements that it was cashed in London. Will you tell the committee what you purchased with that check?

Mr. COLTON. The same answer as to the previous question.

Mr. TAVENNER. I hand you another photostatic copy of a check of International Book Store, Inc., signed by Ellis Colton, bearing date

March 12, 1957, payable to Central Books, Ltd., and which shows by the endorsement that it was cashed in London. Will you tell the committee, please, what you purchased with that check?

Mr. COLTON. The same answer, Mr. Chairman.

Mr. TAVENNER. I desire to offer the last two documents in evidence, Mr. Chairman, and ask that they be marked "Colton Exhibits Nos. 5 and 6," respectively.

The CHAIRMAN. They will be so marked.
(The exhibits referred to are as follows:)

COLTON EXHIBIT No. 5

BACK-FOREIGN
REMITTED FOR COLLECTION
BY HANOVER BANK
LLOYDS BANK LIMITED
OVERSEAS DEPARTMENT
LONDON, E.C.3

FOR AND ON BEHALF OF
W. H. Smith & Sons Ltd.
DULY AUTHORIZED TO ENDORSE CHEQUES
7/18 318688

INTERNATIONAL BOOK STORE, INC.
1409 MARKET STREET
SAN FRANCISCO, CALIFORNIA

NO 8067
11-155
1210

7 March 1957

PAY TO THE ORDER OF *W. H. Smith & Sons Ltd.* \$ *100 00*
One hundred and no/100 DOLLARS

CIVIC CENTER OFFICE
AMERICAN TRUST COMPANY
133 CALIFORNIA STREET, SAN FRANCISCO, CALIFORNIA

INTERNATIONAL BOOK STORE, INC.
Colton

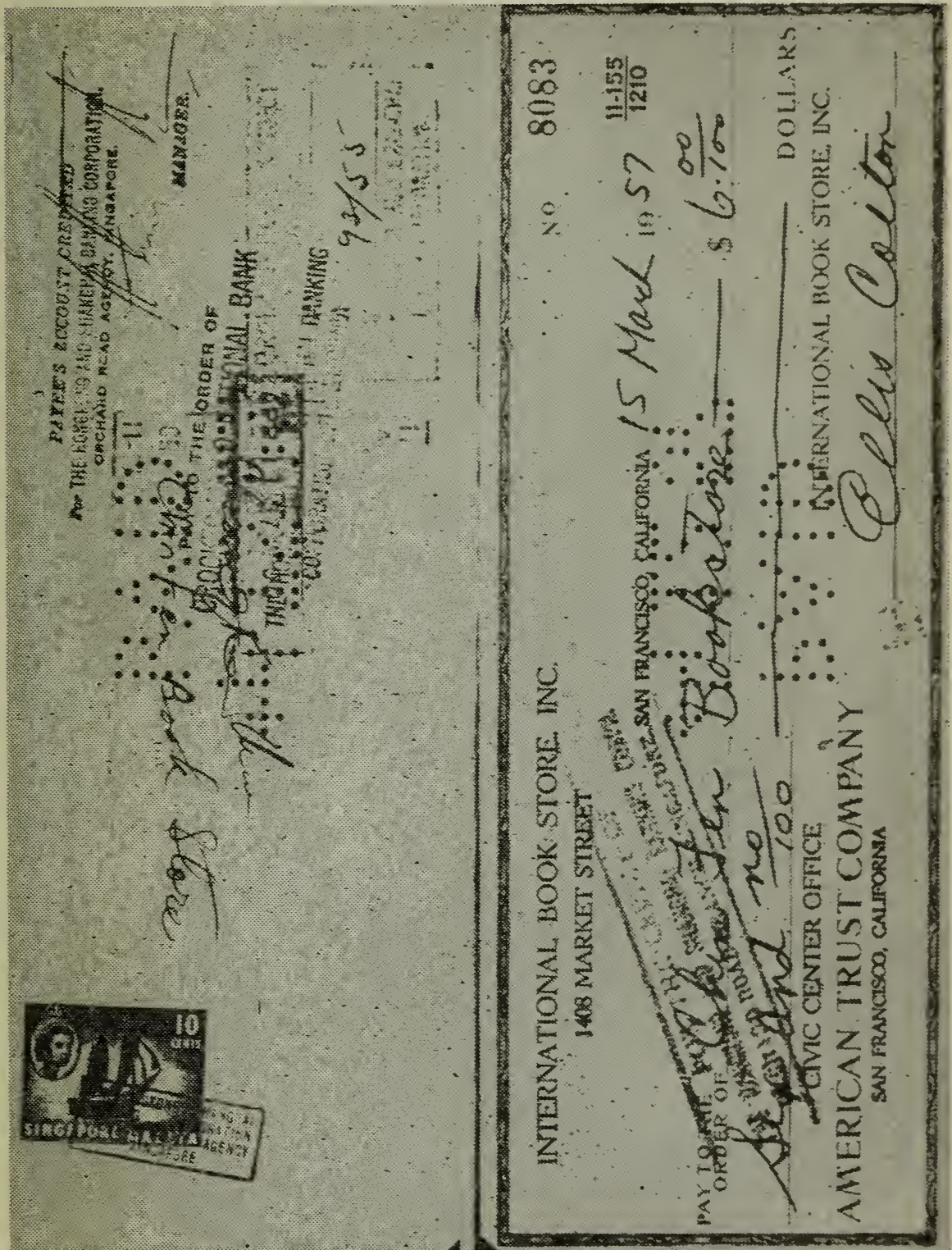
THE CALIFORNIA BANK, SAN FRANCISCO, CALIFORNIA
9034

Mr. COLTON. The same answer as to the previous question.

The CHAIRMAN. It will be so marked.

(The exhibit referred to is as follows:)

COLTON EXHIBIT No. 7



Mr. TAVENNER. I present to you photostatic copies of 2 checks of International Book Store, Inc. signed by Ellis Colton, bearing dates March 29 and April 6, 1957, respectively, both payable to the order of the New Century Publishers, the first being in the amount of \$88.80 and the second in the amount of \$20.37. Will you advise the committee, please, what you purchased with those checks?

Mr. COLTON. The same answer, Mr. Chairman.

Mr. TAVENNER. I desire to offer them in evidence and ask that they be marked "Colton Exhibits Nos. 8 and 9," respectively.

The CHAIRMAN. They will be so marked.

COLTON EXHIBIT No. 9

PAY TO THE ORDER OF
 Manufacturers Trust Company
 New Century Publishers Inc.

1408 MARKET STREET
 SAN FRANCISCO, CALIFORNIA

INTERNATIONAL BOOK STORE, INC.
 1408 MARKET STREET
 SAN FRANCISCO, CALIFORNIA

NO. 7225
 DATE April 6, 1957
 11-155
 1210
 37
 \$ 20.100

DOLLARS
 Twenty and 37/100

CIVIL CENTER OFFICE
 AMERICAN TRUST COMPANY
 SAN FRANCISCO, CALIFORNIA

INTERNATIONAL BOOK STORE, INC.
 Ellis Colton

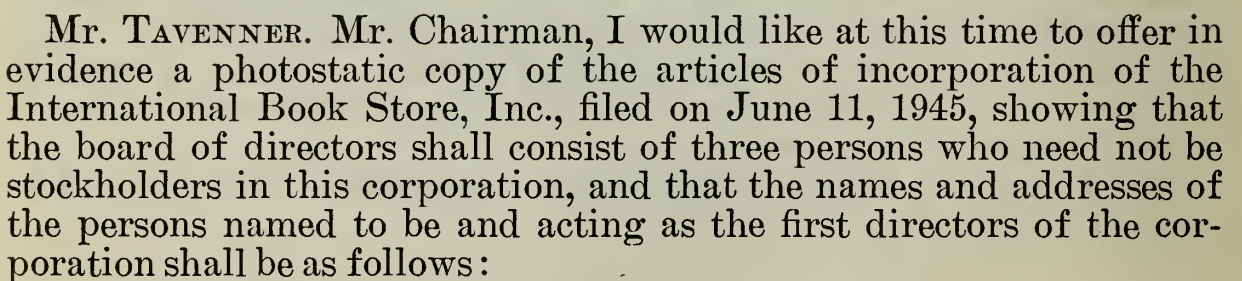
1408 MARKET STREET
 SAN FRANCISCO, CALIFORNIA

Mr. TAVENNER. I present to you a photostatic copy of a check of International Book Store signed by Ellis Colton, similarly acquired, bearing date of March 30, 1957, payable to the People's World for \$5. It is noted that it is on the advertising account. Will you examine it please, and state whether you ran advertising in the People's World?

Mr. COLTON. Same answer.

Mr. TAVENNER. I offer the document in evidence and ask that it be marked "Colton Exhibit No. 10."

COLTON EXHIBIT No. 10



I ask that the document be identified as "Colton Exhibit No. 11."

The CHAIRMAN. All right.

Mr. TAVENNER. According to the charter, it is provided that 100 shares of common stock of no par value should be issued. Who are the owners of the stock in the International Book Store?

Mr. COLTON. Same answer.

Mr. TAVENNER. Are you one of the owners?

Mr. COLTON. Same answer.

(Colton Exhibit No. 11 retained in committee files.)

Mr. TAVENNER. Mr. Colton, do you now maintain a secret place in the bookstore, in the basement of the International Book Store, in which to confer with literature directors of the various groups of the Communist Party regarding the materials which should be furnished them?

Mr. COLTON. Same answer.

Mr. TAVENNER. A publication entitled "Contact" has been described, I believe, by Mrs. Jeffers, as an intraparty Communist paper.

I understand that I was mistaken. It is not Contact, but I have before me, however, a paper entitled "Contact"; I have the August 1947 issue. In that issue I find an article by Ellis Colton, San Francisco County literature director. Were you literature director of the entire county? Possibly you would like to see this document.

Will you hand it to the witness and let him examine it, please?

Mr. COLTON. Same answer.

Mr. TAVENNER. I notice that the witness and counsel both handed the paper back without looking at it.

Mr. LEONARD. I looked at it.

The CHAIRMAN. What paper is that?

Mr. TAVENNER. It is a paper entitled "Contact," carrying an article over the name of Ellis Colton, San Francisco County literature director.

I quote from this article entitled, "How the 'Lit Agent' Can Lift the Level of Member's Understanding," which appears under your name:

For the past 6 months we have been striving to establish a stable literature apparatus in the San Francisco County branches. To do this, we have assigned one of the more experienced executive members, if possible, the educational director, to work with the literature director.

In nearly all of our clubs we now have literature directors, though in a few of the smaller ones the educational director serves also as literature director.

Our county literature depot is open for the 2 days prior to the regular club meeting day. This gives the literature director time to look over the material before the meeting.

Did you write that article?

Mr. COLTON. Same answer.

Mr. TAVENNER. I ask that the document be identified as "Colton Exhibit No. 12."

(Colton Exhibit No. 12 retained in the committee files.)

Mr. TAVENNER. I hand you a photostatic copy of The Worker, Sunday, July 18, 1948, and call your attention to an article entitled, "Qualitatively Increasing Use of Literature," by Ellis Colton.

Will you examine it please and state whether you made that contribution to the paper?

Mr. LEONARD. Will the record show that we will really examine it this time?

Mr. TAVENNER. I handed it to you for that purpose and I hope you will examine it.

Mr. LEONARD. We will examine it very carefully.

Mr. COLTON. The same answer.

Mr. TAVENNER. I ask that the document be identified as "Colton Exhibit No. 13."

(Colton Exhibit No. 13 retained in committee files.)

Mr. TAVENNER. I have before me the April 27, 1953, issue of the Daily People's World which carries an article entitled, "Talks on Imperialism, Egypt, at CLS."

The article refers to Ellis Colton, coordinator of the course. "Colton urged that interested persons be on hand for the class's first session, Tuesday at 8 p. m."

Will you examine that, please?

Mr. COLTON. Same answer.

Mr. TAVENNER. Were you connected with the California Labor School?

Mr. COLTON. Same answer.

Mr. TAVENNER. Will you tell the committee, please, if you know, what the size in membership was of the professional group of the Communist Party at any time in 1956, with which you might have been familiar?

Mr. COLTON. Same answer.

Mr. TAVENNER. If the testimony that we have heard here from Dr. Patten and Mrs. Jeffers is trustworthy, that you organized the distribution of the Communist Party literature to the literature directors of the various cells, if it is true as indicated in these articles that I have introduced in evidence that you were the literature director for the entire county, you would be in a position to know of the activities of the professional groups of the Communist Party at a very recent date, so I ask you first, whether you are now a member of the Professional Section of the Communist Party?

Mr. COLTON. Is that all?

Mr. TAVENNER. No; that is not all. That is all of that question.

Mr. COLTON. Insofar as the question is related to any statement by Dorothy Jeffers, I would like to state the following:

Dorothy M. Jeffers testified for the Government in the case of the Subversive Activities Control Board versus the California Labor School. She testified before a hearing officer, the Hon. Francis A. Cherry, former Governor of the State of Arkansas.

After she testified she was, of course, subjected to cross-examination. At the conclusion of the hearings Governor Cherry wrote a report and with respect to the testimony of Dorothy M. Jeffers, he recalled that her testimony was incredible in the following language:

One such witness, namely Dorothy M. Jeffers, under cross-examination was shown to be without recollection sufficient to place in point of time events and activities about which she had testified on direct examination.

She was unable to place even within a given year many such events of importance including her separation from the Communist Party. Also, her demeanor while testifying was such that engendered misgivings as to the general reliability of her testimony.

Taking into account her status as a paid informer for the Government, her complete lack of memory and admitted vagueness under cross-examination, and her demeanor on the stand, the presiding member is of the opinion that she is entitled to little or no credence and, accordingly, no findings are based upon her testimony.

This is from page 4, report and order of the board, decided May 21, 1957. In addition I wish to stand on the privileges and rights which I have previously read to the committee.

Mr. TAVENNER. Is Mrs. Jeffers' recollection insofar as her testimony relates to you, in any way uncertain or indefinite or in error?

Mr. COLTON. Same answer.

The CHAIRMAN. Did you sell her those books?

Mr. COLTON. Same answer.

Mr. TAVENNER. There has been nothing indefinite or uncertain about her testimony regarding you.

The CHAIRMAN. Mr. Tavenner, the record speaks for itself.

The committee will stand adjourned.

Mr. LEONARD. Is the witness excused?

The CHAIRMAN. Yes.

Mr. TAVENNER. Yes, sir; that is all I desire to ask.

The CHAIRMAN. The committee will stand adjourned to meet at 2 o'clock.

(Whereupon, at 12 noon, the hearing was recessed, to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will be in order.

Call your first witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, I believe it was the first witness, Mr. Kermish, who was given time to consider whether or not he would answer questions the committee asked him if procedures were taken to give him immunity.

I have just reported to you that his counsel has advised that there is some uncertainty as to what he would do, and in all probability he would not decide until the time came and might still resort to the fifth amendment. In light of that, may we discharge the witness?

The CHAIRMAN. Yes; the witness is discharged from further attendance under the subpoena.

Call your next witness.

Mr. TAVENNER. Mr. Harvey Richards.

The CHAIRMAN. Raise your right hand, please. Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RICHARDS. I do.

The CHAIRMAN. Proceed, Mr. Tavenner.

TESTIMONY OF HARVEY RICHARDS, ACCOMPANIED BY COUNSEL, FRANCIS J. McTERNAN, JR.

Mr. TAVENNER. What is your name, please?

Mr. RICHARDS. Harvey Richards.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. McTERNAN. Francis J. McTernan, 703 Market Street, San Francisco.

Mr. TAVENNER. When and where were you born, Mr. Richards?

Mr. RICHARDS. State of Oregon, 1912.

Mr. TAVENNER. Where do you now reside?

Mr. RICHARDS. The town of Atherton.

Mr. TAVENNER. How long have you lived in the State of California?

Mr. RICHARDS. Since 1940.

Mr. TAVENNER. Has that been constantly since 1940?

Mr. RICHARDS. Substantially.

Mr. TAVENNER. What is your occupation or profession?

Mr. RICHARDS. My trade is that of a machinist. At the present time, I am writing.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. RICHARDS. My formal education ended in the ninth grade.

Mr. TAVENNER. Where did you live prior to 1940?

Mr. RICHARDS. Your question does not appear to be pertinent to the subject of inquiry announced at the commencement of these hearings. I wish you would explain to me how this question is pertinent. I refer to rule II of your rules of procedure, as well as to law which requires all questions to be pertinent.

Mr. TAVENNER. I will be glad to explain that. It is merely a preparatory question in order that the committee may know who you are, where you have been, in order to base proper questions to you.

Do you still object to telling us where you lived prior to 1940?

Mr. RICHARDS. Is this question relevant to any inquiry you are making here?

Mr. TAVENNER. Do you object to answering the question?

Mr. RICHARDS. I do, of course.

Mr. SCHERER. I ask that the witness be directed to answer the question.

The CHAIRMAN. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. RICHARDS. I decline to answer this question on the grounds of the protection afforded me under the fifth amendment.

The CHAIRMAN. Do you honestly believe if you told this committee where you resided before 1940, you might expose yourself to criminal prosecution? Do you honestly believe that?

Mr. RICHARDS. My answer is the same as before.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Mr. Richards, I hand you a circular entitled "Guatemala, Colombia, Costa Rica, Venezuela," under which appears this notation:

Harvey Richards went south with his Leica, penetrated * * * remote areas where guerrilla warfare flares, and brought back a 1957 pictorial record of American imperialism at work in Central and South America.

Will you examine the leaflet please and state whether or not it describes a program in which you took part?

Mr. RICHARDS. Will you explain the pertinency of this question to me, please?

Mr. TAVENNER. Were you present when the chairman of the committee read his opening statement at the beginning of the hearing?

Mr. RICHARDS. I was.

Mr. TAVENNER. Did you hear the opening statement that he made? Did you hear it?

Mr. RICHARDS. To the extent that the loud speaker allows me.

Mr. TAVENNER. Did you understand it? Did you hear it sufficiently well to understand what he said?

Mr. RICHARDS. I am sure that I understood it at that time although if you were to ask me what he said then I probably would not be able to tell you at this moment.

Mr. TAVENNER. Very well, I will call to your attention one of the matters which the chairman said would be given consideration at this hearing.

He advised those present including yourself that this committee had conducted hearings and had made recommendations to Congress in its report filed in January of 1957 regarding the need for a revision of the passport laws with regard to applicants who are members of the Communist Party or who conceal their former connections and associations with the Communist Party or its functionaries.

He advised you and I am now advising you that that is a subject which we are considering now.

It is true, of course, that the State Department does not at this time require a passport to South American countries so that there is no procedure by which a person who is a Communist, or who has been in association with Communist functionaries may be denied the right of travel as they would be if traveling to a European country. This committee is considering whether or not the hand of the Secretary of State should be strengthened by spelling out the congressional intent on this subject by statutory definition rather than leaving it to Executive orders of the President and regulatory provisions by the Secretary of State. That is the general subject.

If you want to know the pertinency and the connecting reasoning of the committee as to the pertinency of that question to the subject, it would be this, that if you were a member of the Communist Party, and you engaged in travel in South American countries as is indicated by the poster which I handed you, and if it was part of a propaganda scheme of the Communist Party, it would be pertinent to the subject that we are discussing. The language used there is that you were making a report on imperialistic actions of the United States in South America.

If at this time you were connected with the Communist Party, if the Communist Party played any part in that, it would be important for the committee to know it in connection with the matters that it is considering.

Now, will you answer the question?

Mr. RICHARDS. That question is one as to my beliefs and associations, and I believe it invades my rights under the first amendment to the Constitution.

Mr. TAVENNER. Just a moment. Do you recall what my question was?

Mr. RICHARDS. Repeat the question.

Mr. TAVENNER. I did not think you understood or recalled what it was.

My question was whether or not you engaged in the program as announced in that leaflet that I gave you.

Mr. RICHARDS. In view of your explanation of the pertinency of this question, it is obvious that this goes into the area of association, and I consider the first amendment applying.

The CHAIRMAN. You are directed to answer the question.

Mr. RICHARDS. I refuse to answer the question on the grounds of the fifth amendment.

Mr. TAVENNER. Did you engage in the foreign travel indicated in the leaflet which I handed you?

Mr. RICHARDS. The same answer.

Mr. SCHERER. I ask you to direct the witness to answer.

The CHAIRMAN. By saying "the same answer," do you mean you decline to answer for the same reasons you declined to answer the last question?

Mr. RICHARDS. I refuse to answer the question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Were any part of your expenses to South America paid by the Communist Party or by anyone on behalf of the Communist Party?

Mr. RICHARDS. My answer is the same as for the previous question.

Mr. TAVENNER. I desire to introduce the document into evidence and ask that the document be marked as "Richards Exhibit No. 1."

The CHAIRMAN. Let it be marked and made a part of the record. (The exhibit referred to is as follows:)

RICHARDS EXHIBIT No. 1



Guatemala
Colombia
Costa Rica
Venezuela

a late look at
OUR LATIN-AMERICAN
COLONIES

SUNDAY
MARCH 10
8pm -- 75¢

the best of Harvey Richards' COLOR PICTURES PLUS COMMENTARY
-- a highland coffee plantation north of Guatemala City
-- in Colombia, Cali, Bogota (the capital), Ibaguá, a city under siege by guerillas, the "hot-spot" Cucuta . . .

SUNDAY
MARCH 17
8pm -- 75¢

United Fruit Company's Palmar banana plantation (Costa Rica)
-- the company port of Golfito
-- scenes around Lake Maracaibo (Venezuela) and a tour of a big American oil refinery
-- Ciudad Bolívar, a trading center

at 321 DIVISADERO ST.

un 3-3023



Mr. SCHERER. Mr. Tavenner, does that leaflet you have refer to Guatemala.

Mr. TAVENNER. Guatemala, Colombia, Venezuela, and Costa Rica.

Mr. SCHERER. Is there any date on that?

Mr. TAVENNER. Yes. I was just going to ask the witness about that.

It appears that the trip was taken in 1957. It says he brought back a 1957 pictorial record of American imperialism.

We have records indicating that this leaflet was circulated prior to March 8, 1957, so it is sometime between the first of 1957 and March 8. We would like to ask the witness what time in 1957 was it that you went to Guatemala, Colombia, Costa Rica and Venezuela?

Mr. RICHARDS. I refuse to answer the question on the grounds previously stated.

Mr. SCHERER. May I see that, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

The CHAIRMAN. Go ahead, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Professional cell or Section of the Communist Party in San Francisco at any time between January 1 and March 8, 1957?

Mr. RICHARDS. I refuse to answer on the grounds of the first and fifth amendments.

Mr. TAVENNER. Have you engaged in travel outside the continental United States prior to January 1, 1957?

Mr. RICHARDS. Would you explain the pertinency of this question?

Mr. TAVENNER. Yes, it would only require the repeating of the same subject that I stated a few moments ago and the same question of matters with regard to pertinence.

Mr. RICHARDS. My answer is the same.

Mr. TAVENNER. By that you refuse to answer on the grounds of the first and the fifth amendments?

Mr. RICHARDS. You took the words right out of my mouth.

Mr. SCHERER. When did you go to Russia?

Mr. RICHARDS. What is the question?

Mr. SCHERER. When did you visit Russia?

Mr. RICHARDS. How is this pertinent to the inquiry?

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer.

Mr. RICHARDS. Repeat the question again.

Mr. SCHERER. When did you go to Russia?

Mr. RICHARDS. I have never been to Russia. [Applause.]

The CHAIRMAN. I must again remind you that we will clear the room if there are any further demonstrations.

Mr. SCHERER. Where else have you traveled other than these South American countries?

Mr. RICHARDS. What is the pertinency of this question?

Mr. SCHERER. The pertinency and objective have already been explained by the counsel. Mr. Chairman, I ask you to direct the witness to answer the question.

The CHAIRMAN. Yes, you are directed to answer the question.

Mr. RICHARDS. I would like to hear what Mr. Scherer just said.

Mr. SCHERER. I said pertinency has already been explained to you by counsel when he asked about your traveling in South America for the purpose of attacking the Government of the United States.

Mr. RICHARDS. Is the question that is directed at me that of asking me if I was traveling in order to attack the United States?

Mr. SCHERER. No, you asked me the pertinency of it and I explained to you what in my own mind I considered the pertinency of the question to be. My question to you was simply, Where have you traveled outside the United States other than in the South American countries?

Mr. RICHARDS. If this is pertinent for the same questions, then my answer is the same.

Mr. SCHERER. Then you mean you refuse to answer on the basis of the first and fifth amendments?

Mr. RICHARDS. Yes.

Mr. TAVENNER. I hand you a thermofax copy of a publication of the People's World of September 1944 entitled "Communists Elect Officers."

Will you examine it, please?

You will note under the list of members of the county committee, a name is underscored, which is Harvey Richards. Will you examine it please and state whether you are the Harvey Richards who was elected as a member of the county committee for the Communist Party in San Francisco?

Mr. RICHARDS. I decline to answer this question.

Mr. TAVENNER. May I have a direction that the witness be directed to answer the question?

The CHAIRMAN. You are directed to answer the question.

Mr. RICHARDS. I refuse to answer the question on the grounds previously stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked as "Richards Exhibit No. 2."

The CHAIRMAN. Let it be marked and made a part of the record. (The exhibit referred to is as follows:)

RICHARDS EXHIBIT No. 2

[From the Daily People's World, Tuesday, September 19, 1944, (p. 4)]

COMMUNISTS ELECT OFFICERS

OLETA YATES NAMED PRESIDENT OF S. F. COUNTY ASSOCIATION

SAN FRANCISCO, September 18.—Officers elected for the ensuing year at yesterday's county convention of the Communist Political Association are:

President: Oleta O'Connor Yates.

Vice president: Rudie Lambert and John Pittman.

Secretary-treasurer: Clemmie Barry.

County committee, including officers above:

Charlotte Callahan, June Stevenson, Jack Patton, Henry Massey, Violet Orr, Ray Irvine, Archie Brown (on leave in Armed Forces).

Ann Stout, Virginia Lindbergh, Ernest Lavino, Herbert Resner, Jackie McNeil, Tom Boylan, Walter Stack, Paul Orr.

Ada Smolan, Dan Mah, Beatrice Kinkead, Mack Posey, Harvey Richards, Leon Kaplan, Margery Pogue, Mini Carson.

Al Yates, Bill Frierson, Lucy Balcomb, Henry Seigel.

Mr. TAVENNER. Mr. Richards, I have before me a thermofax copy of the issue of January 13, 1955, of the Daily People's World, which includes an article, the heading of which is "Labor School—'Open House' to Launch Eventful New Term."

There is an article headed "Latin America," and the paragraph under it reads as follows:

Other winter term offerings include "Latin American Independence and U. S. interests," a series of special forum sessions led by Harvey Richards opening Thursday, January 20.

Will you examine the document please and state whether it correctly reported your activities as of that date?

You will note that I have a pencil mark on the margin where I read a portion of the document.

Mr. RICHARDS. What is your question, sir?

Mr. TAVENNER. My question was whether or not the part which I read from that article correctly describes your participation in those matters at that time.

Mr. RICHARDS. My answer is the same as previously.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Richards Exhibit No. 3."

The CHAIRMAN. It will be so marked.

(Document marked "Richards Exhibit No. 3," retained in committee files.)

Mr. TAVENNER. Mr. Richards, one of those named with you in Exhibit No. 2 as a member of the county committee of the Communist Political Association in California 1944—in fact, I think he was elected vice president at that convention—was a person by the name of John Pittman.

Did John Pittman participate with you in any of the forums conducted by you regarding issues in South America?

Mr. RICHARDS. Your question relates to exhibit No. what?

Mr. TAVENNER. No. 2; the exhibit that I handed you which gave the names of the officers and committee members of the CPA elected at the convention held in San Francisco, in September, 1944.

It showed Oleta Yates as president and John Pittman as one of the vice presidents. It is Exhibit No. 2.

Mr. RICHARDS. I would like to look at that document.

Mr. TAVENNER. Yes, sir.

(Document handed to the witness.)

Mr. TAVENNER. You will find there the name of Oleta Yates as president and you will find two names there as vice presidents.

Mr. RICHARDS. The same answer.

Mr. TAVENNER. Were you a member of the Professional Section of the Communist Party at the time of the publication of Exhibit No. 3, which is January 13, 1955?

(Document handed to the witness.)

Mr. RICHARDS. The same answer.

Mr. TAVENNER. Are you a member of a professional cell or group of the Communist Party at this time?

Mr. RICHARDS. I refuse to answer the question on the grounds of the first and fifth amendments.

Mr. TAVENNER. In what Communist activities have you engaged in San Francisco since the publication or announcement of your election to the county committee on September 19, 1944?

Mr. RICHARDS. The same answer.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

(Witness excused.)

Mr. RICHARDS. There is enough of the taxpayers' money being spent here. I prefer not to sign the voucher.

The CHAIRMAN. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mrs. Mary Scott Shepardson.

Mr. McTERNAN. She requests enforcement of the rule that there be no TV on her. In view of the fact that the Speaker of the House of Representatives has said that it is against the Rules of the House to televise these sections and in view of the fact that the television cameramen refused to comply with your order to shut off, and I personally observed that breach by watching the TV myself, I request that all cameras be turned off.

The CHAIRMAN. You are requested not to televise the witness.

Mr. McTERNAN. I request in view of the history of that and that the cameras be made off, and that the klieg lights be turned off while this witness testifies.

The CHAIRMAN. We are going to have the lights on and we are going to make sure that the witness is not televised.

Mr. McTERNAN. I don't know if that is satisfactory. I don't want a half-way measure. The last time you saw it happen, the witness was half televised and half not televised.

Do you issue such orders to the cameramen?

The CHAIRMAN. Yes.

Mr. McTERNAN. I will be assured that no television will be placed upon my client whatsoever?

The CHAIRMAN. Yes. Call your witness.

Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SHEPARDSON. I do.

TESTIMONY OF MARY THYGESON (SCOTT) SHEPARDSON, ACCOMPANIED BY COUNSEL, FRANCIS J. McTERNAN, JR.

Mr. TAVENNER. Will you state your name, please?

Mrs. SHEPARDSON. Mary T. Shepardson.

Mr. TAVENNER. What was your maiden name?

Mrs. SHEPARDSON. Thygeson.

Mr. TAVENNER. Were you ever known by the name of Mary Scott?

Mrs. SHEPARDSON. What is the relevancy of that question?

Mr. TAVENNER. A matter of identification of you.

Mrs. SHEPARDSON. Are you referring to the Mary Scott whom your informer testified about this morning?

Mr. TAVENNER. Yes.

Mrs. SHEPARDSON. In view of that, I must decline to answer on the basis of the first and fifth amendments.

Mr. TAVENNER. You will not admit that you have gone by the name of Mary Scott?

Mrs. SHEPARDSON. The same answer.

Mr. TAVENNER. Have you gone by any name other than the two names that you have given, Mary Shepardson and I am not certain that I recall the other that you gave, your maiden name. Will you give us the name again?

Mrs. SHEPARDSON. Thygeson.

Mr. TAVENNER. Spell it, please.

Mrs. SHEPARDSON. T-h-y-g-e-s-o-n.

Mr. TAVENNER. Have you used any name other than those two names?

Mrs. SHEPARDSON. What is the relevancy of that question?

Mr. TAVENNER. May I ask a direction?

The CHAIRMAN. You are directed to answer the question.

Mrs. SHEPARDSON. According to the ruling of the Supreme Court, I am entitled to an explanation of the pertinency of that question.

Mr. TAVENNER. I told you it is a matter of identification of you.

Mrs. SHEPARDSON. I have identified myself.

Mr. TAVENNER. Have you been married more than once?

Mrs. SHEPARDSON. I think that violates the rule of the confidence between husband and wife.

Mr. TAVENNER. No, a matter of marriage is not a confidential matter. I think anyone will admit marriage. There is certainly no incrimination in being married.

Mrs. SHEPARDSON. I am referring to the rule of the committee about confidence between husband and wife.

Mr. TAVENNER. I have not asked for any confidential communication and I would not, and I never have.

Mrs. SHEPARDSON. I have been married once.

Mr. TAVENNER. I hand you a book entitled, "History of the Communist Party of the Soviet Union," with the word "Mary" written on the flyleaf. Will you examine it, please?

Have you ever seen it before?

Mr. McTERNAN. May I examine it before you go on?

Mr. TAVENNER. Certainly. Will you answer the question, please?

Mrs. SHEPARDSON. I think that this question comes into the area of free speech and I shall decline to answer the question.

Mr. TAVENNER. Not free speech. I asked if you had seen it.

Mrs. SHEPARDSON. The right to read.

Mr. SCHERER. I ask you to direct the witness to answer.

The CHAIRMAN. Do you understand the question? It is whether or not you had ever seen the book. What is your answer?

Mr. McTERNAN. Are you directing her to answer the question?

The CHAIRMAN. Yes, she is directed to answer the question.

Mrs. SHEPARDSON. I decline to answer this question on the grounds of the first amendment, and since that does not seem to be sufficient for this committee, I will also rely on the fifth amendment.

Mr. TAVENNER. Was the name "Mary" appearing on the flyleaf written by you?

Mrs. SHEPARDSON. The same answer.

Mr. TAVENNER. Did you recruit Mrs. Dorothy Jeffers into the Communist Party? Possibly I should change that question. Did you solicit her membership in the Communist Party?

Mrs. SHEPARDSON. I will give you the same answer to that question.

Mr. TAVENNER. Were you a member of the Professional Section of the Communist Party with her, that is, Mrs. Jeffers? The question may be misleading. I understand that that is not correct.

I will ask you if you were a member of the Communist Party any time between 1942 and 1945?

Mrs. SHEPARDSON. The same answer.

Mr. SCHERER. Does that include the invocation of the fifth amendment?

Mrs. SHEPARDSON. That includes the first amendment. Would you like me to read them?

The CHAIRMAN. We know them pretty well. We have heard them so often.

Mr. SCHERER. Are you a member of the Communist Party today?

Mrs. SHEPARDSON. I will give the same answer.

Mr. TAVENNER. Were you assigned any particular type of activity in the Communist Party?

Mrs. SHEPARDSON. I will give the same answer for that one.

Mr. TAVENNER. I see according to the January 6, 1948, edition of the People's World, that at that time you were vice president of the NAACP. Is that correct?

Mrs. SHEPARDSON. May I ask if the National Association for the Advancement of Colored Persons is under inquiry by this committee. I know it is in certain parts of the United States, particularly in the South.

Mr. TAVENNER. No; it is not. On the contrary, this committee has had evidence from a number of different places regarding persons who were in the NAACP and who were members of the Communist Party. There is one situation that the committee developed in Hawaii where we found that the chapter there had become so subject to the control of the Communist Party that the national organization withdrew the charter of that local and kicked that group out of the NAACP. We are not investigating the NAACP, but we have information that members of this professional group were assigned as part of their duties to numerous mass organizations. We find you occupying a very responsible position in a mass organization. I would like to know whether or not you were encouraged to join the work of that group by the Communist Party and whether you were a Communist Party member at that time. That is two questions, so let me straighten it out.

I first asked you the question a moment ago whether you were the vice president of the NAACP in January of 1948.

Now, answer that question, please. Then I will follow it with others.

Mrs. SHEPARDSON. I decline to answer that question, both parts of that question.

Mr. TAVENNER. I have not asked you both parts of that question.

Were you the vice president of the NAACP in January of 1948?

Mrs. SHEPARDSON. I decline to answer that question on the grounds of the first and the fifth amendments.

Mr. TAVENNER. Do you not think that is an unjust reflection upon the NAACP?

Mrs. SHEPARDSON. I think it is rather unjust to make it appear that I do not have the right to use the first or the fifth amendment without it reflecting on my organizations that I belong to. I belong to a great many organizations that I do not intend to tell you about.

Mr. TAVENNER. Is the Communist Party one of them?

Mrs. SHEPARDSON. I belong to many highly respectable organizations.

Mr. TAVENNER. Now, I will ask you the question of whether or not you were a member of the Communist Party in January of 1948?

Mrs. SHEPARDSON. I decline to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. Are you now a member of a professional group of the Communist Party?

Mrs. SHEPARDSON. I decline to answer that question on the grounds of the first and fifth amendments.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

(Witness excused.)

The CHAIRMAN. Call your next witness.

Mr. TAVENNER. Dr. Evelyn Siris.

Mr. DELANY. I would like to clarify 1 or 2 things if you do not mind.

Mr. TAVENNER. I do not think so.

Mr. DELANY. It has to do with televising these proceedings. I just sent out and got the last issue——

The CHAIRMAN. Are you a witness?

Mr. DELANY. No, I am an attorney; my name is Elmer P. Delany.

This question is directed to you, Mr. Congressman. I have just sent out and got the latest edition of the San Francisco News. I have not been in constant attendance upon this committee's meetings. I came in twice for brief periods. Perhaps the answers are already in the record; but, before I can advise my client, I want to hear whether they are in the record.

At the time the last witness came forward with her counsel, I think the chairman told the committee that it is beyond the control of the chairman of the committee and it is a responsibility of the city hall.

The CHAIRMAN. Are you complaining about your client being televised? Are you complaining or objecting?

Mr. DELANY. I am objecting to the televising.

The CHAIRMAN. Then I will ask the television people. Will you please assist the committee by not putting the camera on the witness?

Mr. DELANY. I want no televising. I heard this morning when I came into here that one witness passed in front of the television camera and was televised. I want to be sure that the television cameras are off.

I understand, if the papers quote the Speaker of the House correctly, that all broadcasting of these proceedings are banned under rules of the House of Representatives. Is this correct or not?

The CHAIRMAN. I do not know anything about it.

Will you point out the rule that you say is being violated?

Mr. DELANY. The rule that the Speaker is referring to.

The CHAIRMAN. What is the rule?

Mr. DELANY. I do not know the numbers. There are many laws and I have not yet caught up with all of the rules of the House. If this is contrary to the rule, I think that this committee, proceeding in an orderly way, should proceed in accordance with the Rules of the House of Representatives.

I presume that the chairman of this committee is familiar with those rules. I ask that this rule be observed and the Speaker of the House not be snubbed by this committee, and if there are——

The CHAIRMAN. I am sure that the Speaker will be very glad that you are taking this position in his defense.

Mr. DELANY. I know the Speaker so perhaps——

The CHAIRMAN. Call your witness.

Mr. DELANEY. Only after you have given me assurance that there will be no broadcasting and televion.

The CHAIRMAN. I have no control over the broadcasting.

Mr. DELANY. Who has the control?

The CHAIRMAN. Whoever is in charge of this building.

Dr. DELANY. Who specifically has control? I cannot address my request, if you cannot tell me who.

The CHAIRMAN. Will you call your witness?

Mr. DELANY. I want a reply.

Mr. TAVENNER. Dr. Evelyn Siris.

Mr. DELANY. I want the record to show that if there is any broadcasting or defiance of the Rules of the House——

The CHAIRMAN. Will you raise your right hand, please?

Do you swear that any testimony that you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SIRIS. I do.

TESTIMONY OF DR. EVELYN SIRIS (MRS. LAWRENCE ARNOLD LEVITAN), ACCOMPANIED BY COUNSEL, ELMER P. DELANY

Mr. TAVENNER. Doctor, will you state your name, please?

Dr. SIRIS. Evelyn Siris.

Mr. TAVENNER. Will you spell it, please?

Dr. SIRIS. S-i-r-i-s.

Mr. TAVENNER. S-i-r-i-s?

Dr. SIRIS. Yes.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record?

Mr. DELANY. Yes, I have already. My name is Elmer P. Delany, member of the bar of the State of California.

Mr. TAVENNER. Dr. Siris, was your name also Mrs. Lawrence Levitan?

Dr. SIRIS. Yes, it is.

Mr. TAVENNER. It is now?

Dr. SIRIS. Yes, it is.

Mr. TAVENNER. In other words, you have a professional name. Your professional name is Dr. Evelyn Siris?

Dr. SIRIS. Yes, sir.

Mr. TAVENNER. But you are also Mrs. Lawrence Levitan, is that correct?

Dr. SIRIS. Yes, that is correct.

Mr. TAVENNER. You are engaged in the practice of medicine in the city of San Francisco?

Dr. SIRIS. Yes.

Mr. TAVENNER. How long have you been engaged in the practice of medicine?

Dr. SIRIS. In the city of San Francisco?

Mr. TAVENNER. Yes.

Dr. SIRIS. Since 1944.

Mr. TAVENNER. Did you practice prior to that time?

Dr. SIRIS. Yes, I did.

Mr. TAVENNER. Where?

Dr. SIRIS. In Milwaukee.

Mr. TAVENNER. Did you come to California in 1944?

Dr. SIRIS. Yes, I did.

Mr. TAVENNER. How long did you practice medicine in Milwaukee?

Dr. SIRIS. About 3 or 4 months.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been in preparation for your profession?

Dr. SIRIS. Well, I went to high school and college and medical school.

Mr. TAVENNER. I am sorry, but I could not hear you.

Dr. SIRIS. Grammar school, college, and medical school.

Mr. TAVENNER. Where did you attend college?

Dr. SIRIS. The University of Chicago.

Mr. TAVENNER. Where did you take your medical course?

Dr. SIRIS. The University of Chicago.

Mr. TAVENNER. When did you complete your medical training?

Dr. SIRIS. I am trying to remember. I believe it was 1938, but I am not sure.

Mr. TAVENNER. Doctor, the committee has been investigating the extent, character, and objects of Communist Party activities within the professions here in San Francisco. I will want to ask you about your knowledge of the activities of that group, if you have any knowledge of it. First, I desire to ask you whether you are at this time a member of the Professional Section of the Communist Party in San Francisco?

Dr. SIRIS. On advice of counsel, I object to being questioned by this committee or its counsel for the following reasons: That the committee is not pursuing its legislative purpose.

Two, that the resolution of the House of Representatives purported to authorize this hearing is not proper and not in accordance with the principles of law laid down in recent cases before the United States Supreme Court.

Three, that neither I nor my counsel have had an opportunity of reading in full the two recent Supreme Court decisions because the text thereof has not been available and we have had to refer to newspaper articles.

Four, on advice of counsel, which I adopt, this hearing is being conducted for the purpose of exposure and exposure alone and not for any legislative purpose.

Five, that apparently the only reason for these hearings is to expose me and others to publicity and ridicule.

Six, that this hearing is in derogation of my rights under the Constitution and in derogation of my right of freedom of speech, which are in areas in which Congress is prohibited to make a statement.

Seven, that the committee has been and is attempting to require witnesses subpoenaed to appear before it to testify against themselves under the due process of law as provided by the fifth amendment of the Constitution which reads as follows:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Eight, I object to being interrogated which reads as follows—

Mr. TAVENNER. It is very difficult for the reporter to get what you are saying. Will you speak a little louder, please?

I believe if you go more slowly we can hear better.

Dr. SIRIS. I would likewise object to being interrogated by this committee under all provisions of the first amendment of the Constitution of the United States which reads as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Nine, I also avail myself of the immunities extended in the 6th, 8th, 9th, and 10th amendments of the Constitution of the United States.

Mr. TAVENNER. Will you tell the committee, please, how many persons composed the medical group of the Professional Section of the Communist Party.

Dr. SIRIS. What is the pertinency of this question?

Mr. TAVENNER. The pertinency has already been explained in the preliminary statement I made to you as to the subject under investigation. If anything further need be said as to pertinency of the question, I think it would only be necessary to say that in order to understand the seriousness of the situation as brought about by having supersecret cells of the Communist Party within the professionals, the matter of strength and number is very pertinent to the subject.

I believe, Mr. Chairman, that is all it should be necessary for me to say.

Dr. SIRIS. Does the chairman direct me to answer that question?

The CHAIRMAN. Yes, you are so directed.

Dr. SIRIS. I object on all of the nine grounds that I have just read to the committee. Do you wish me to read them again?

Mr. TAVENNER. No, indeed, I am certain it will be satisfactory to the committee for you to say for the same reasons that you previously assigned when you refuse to answer the questions.

Is that what you are intending to do?

Dr. SIRIS. Yes, sir.

Mr. TAVENNER. Will you tell the committee, the primary purposes of the medical group of the Communist Party?

Dr. SIRIS. The same answer as to the prior question.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. SIRIS. I am not a member.

Mr. TAVENNER. You are not. Were you a member of the Communist Party in 1956?

Dr. SIRIS. On the advice of counsel, I resort to the nine reasons I have previously read.

Mr. TAVENNER. If you are relying on the same ground, that will be sufficient, and you do not have to read them again.

If you are not a member of the Communist Party now and you will not answer my questions as to 1956 on the ground, among others, that it might tend to incriminate you, what has occurred since January 1, 1957, which necessitates or calls for the wide difference in answer to the question as to your Communist Party membership now and in 1956?

Dr. SIRIS. I object to the form of the question which is assuming something that is not in evidence, secondly, I urge each and every one of the previous nine objections which I read.

Mr. TAVENNER. Your first objection is wrongfully taken, because there is evidence before this committee of your prior membership in the Professional Section of the Communist Party, that section which was composed only of doctors, nurses, and technicians. That was the testimony of Dr. Patten, so I am not proceeding on an assumption.

Let me ask you this.

Mr. DELANY. Have you dropped your question?

Mr. TAVENNER. I did not ask a question then. I made a reply to the statement that she made.

Mr. DELANY. Is she allowed to reply, or her counsel, to that?

Mr. TAVENNER. If she desires to make any remark.

Mr. DELANY. In my opinion there is no such evidence and on that she is basing her objections. You may disagree with me but I disagree with you.

Mr. TAVENNER. The record speaks for itself as to what evidence is before the committee.

Did you have any dispute with the membership of the Communist Party regarding Communist activities in Hungary since January 1, 1957?

Dr. SIRIS. In the interest of time, I rely on the nine objections as previously stated.

Mr. TAVENNER. By objections, I assume that you mean that you decline to answer the questions.

Dr. SIRIS. I mean I decline to answer and I will reread them, if you wish me to.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

Mr. TAVENNER. Dr. Sol Bineman.

The CHAIRMAN. Will you raise your right hand, please.

Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. BINEMAN. I do.

TESTIMONY OF DR. SOL (SOLOMON) BINEMAN, ACCOMPANIED BY COUNSEL, LLOYD E. McMURRAY

Mr. TAVENNER. What is your name, please?

Dr. BINEMAN. Dr. Sol Bineman.

Mr. TAVENNER. Spell your last name.

Dr. BINEMAN. B-i-n-e-m-a-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. McMURRAY. I am Lloyd E. Murray, 785 Market Street, San Francisco.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. BINEMAN. I was born in New Jersey in 1910.

Mr. TAVENNER. What is your present place of residence?

Dr. BINEMAN. San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Dr. BINEMAN. Continuously since 1925.

Mr. TAVENNER. What is your profession?

Dr. BINEMAN. I am a dentist.

Mr. TAVENNER. How long have you been engaged in the practice of dentistry?

Dr. BINEMAN. Since 1935.

Mr. TAVENNER. Will you tell the committee please, what your formal educational training has been for the practice of your profession?

Dr. BINEMAN. My educational training was, after high school, University of California, College of Physicians and Surgeons from which I received a degree of DDS.

Mr. TAVENNER. When did you receive your degree?

Dr. BINEMAN. 1935.

Mr. TAVENNER. Where have you practiced dentistry in the State of California since that date?

Dr. BINEMAN. Continuously in San Francisco.

Mr. TAVENNER. Doctor, there has been testimony here indicating the existence in the city of San Francisco of an organized group of professional men consisting of doctors, solely of doctors.

I am not certain what name it had, other than a professional cell of the doctors. There was one also for the lawyers. We have heard the name of it, it is the Haymarket cell of the Communist Party. As to doctors, we have not heard its name. The committee does not know how many doctors are in that cell now. We do not know the full purposes of it.

Information has indicated that various members of the professional groups of the Communist Party, including the doctors, have been assigned to specific Communist Party tasks.

Will you tell the committee, please, what knowledge you have at this time of the assignment of professionals to special work in the Communist Party, professional people?

Dr. BINEMAN. I refuse to answer that question.

Mr. TAVENNER. May I have a direction that the witness be directed to answer that question?

The CHAIRMAN. You are directed.

Dr. BINEMAN. I refuse to answer it. I will not answer any questions about these associations, my political or religious beliefs, and any other personal and private affairs. I base this refusal on the provisions afforded me and any citizen by the first amendment of the Constitution, the due process clause of the fifth amendment, and the guaranties against having to testify against myself.

I fail to recall where the fifth amendment in its testimony clause has anything to say about "incrimination." I would like to remind you that a recent unanimous decision of the Supreme Court has this to say:

The privilege serves to protect the innocent who might otherwise be ensnared by ambiguous statements.

It further states that—

Too many people, even those who should be better advised, too readily assume that those who invoke it are guilty of a crime—

and the Justices go on to say that—

they can think of no special circumstance that would justify the use of constitutional privilege to discredit or convict a person.

Mr. TAVENNER. Doctor, is it not true that you were very active in the fund-raising drive of the Daily People's World back as early as 1945 in obtaining subscriptions and aiding that paper financially?

Dr. BINEMAN. When was that published?

Mr. TAVENNER. It was published on August 3, 1945, and I desire, Mr. Chairman, to offer a photostatic copy of the article as "Bineman Exhibit No. 1."

Mr. McMURRAY. May I see that?

Mr. TAVENNER. Just a moment. I am going to read it.

The CHAIRMAN. It may be marked as "Exhibit No. 1."

(Bineman Exhibit No. 1 retained in committee files.)

Mr. TAVENNER. The article is entitled, "Your World Today, San Francisco Shows How To Do a Job on Fund Raising Drive."

In the body of the article appears this language:

In the \$750 quota class, none can hold a candle to Richmond. They have reached 110 percent and are now really girding themselves to do the same thing with their subquota. Top honors go to S. Bineman—

and then others are named.

Other clubs and committees are doing quality work with hard plugging pace-setters, leaving off * * * North Beach, with hard-working—

so and so, and other persons mentioned.

I hand you the article and ask you to examine it and state whether or not the work referred to as having been done at Richmond has reference to work done by the Richmond Club of the Communist Party.

I think you will find a red pencil mark indicating the paragraph where that reference appears.

Dr. BINEMAN. Does this committee usurp the powers to inquire into the activities which go into the publishing of daily newspapers?

Mr. TAVENNER. It is not an inquiry into the newspaper. It is an inquiry as to the activities of the Communist Party. We are not investigating the newspaper.

Dr. BINEMAN. Are you asking about the Communist Party or are you asking about funds to help publish a newspaper?

Mr. TAVENNER. My question is whether or not the reference I read to you with regard to Richmond reaching 110 percent has reference to the Richmond Communist Party Club or a Communist Party club called Richmond? If you will read the fourth line, you will see your name mentioned, which means that you should be well qualified to answer that question.

Dr. BINEMAN. Mr. Tavenner, Richmond and all of the qualifications after it indicates a subdivision of San Francisco. It may also indicate a city in California and I see no reference here to the Communist Party.

Mr. TAVENNER. If you read it in the context in which it appears, you will see the very next paragraph starts out by saying, "Other clubs"

and so on. Does that not mean to you that it is speaking of Richmond in the sense of a club of the Communist Party?

Dr. BINEMAN. It also says in the same sentence, "and communities." I don't know whether Richmond is a club or a community.

Mr. TAVENNER. You say you do not know whether Richmond is the name of a club in the Communist Party?

Dr. BINEMAN. I do not know what this means at the moment.

Mr. TAVENNER. Was Richmond the name of the Communist Party club?

Dr. BINEMAN. I refuse to answer on the same grounds I have given before and any question relating to political activities, et cetera. And also on the grounds of the fifth amendment.

Mr. TAVENNER. Do you know that that reference to the article mentions Richmond club?

Dr. BINEMAN. I refuse to answer the question on the grounds previously stated.

Mr. TAVENNER. The document refers to top honors going to S. Bineman. What top honors were those? It says, "In the \$750 quota class."

Dr. BINEMAN. Same answer.

Mr. TAVENNER. You know all about the Richmond group that this article is talking about, do you not?

Dr. BINEMAN. Same answer.

Mr. TAVENNER. That was back in 1945, Doctor. What about the present day? Are you today a member of the Professional Section of the Communist Party composed of members of the medical profession, nurses, and technicians?

Dr. BINEMAN. The same answer to this question as I have given to previous questions.

Mr. TAVENNER. Will you advise the committee, if you know, what the size of the membership is in that group?

Dr. BINEMAN. Same answer.

Mr. TAVENNER. Mr. Chairman, I have no further questions.

The CHAIRMAN. The witness is excused and the committee will take a short recess.

(Witness excused.)

(Brief recess.)

The CHAIRMAN. The committee will be in order.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Dr. Asher Gordon, will you come forward, please.

Mr. MACINNIS. We would like to ask that the television apparatus be turned off pending a ruling by the committee.

Mr. TAVENNER. Otherwise you do not object to the television? I do not quite understand.

Mr. MACINNIS. He wishes to make a basic objection to being televised.

Mr. TAVENNER. If he just objects to televising, that is the end of it; he will not be televised; it needs no argument.

Mr. MACINNIS. Perhaps, I should clarify his position.

Mr. TAVENNER. It needs no clarification. If he says no television, there will be none.

Mr. MACINNIS. He realizes you will not photograph him if he objects to it, but he objects to a part of a situation in which other things are televised even though he is not, and that is why I wanted to clarify

the objection; not that I wish to speak unduly, but I just wanted to tell you that that is his position.

The CHAIRMAN. The committee will request that the television people cooperate with the committee and I am sure that they will.

Call your witness, please, Mr. Tavenner.

Mr. TAVENNER. Dr. Asher Gordon.

The CHAIRMAN. Doctor, will you raise your right hand? Do you swear the testimony you will give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. GORDON. I do.

**TESTIMONY OF DR. ASHER GORDON, ACCOMPANIED BY COUNSEL,
JAMES MARTIN MacINNIS**

Mr. TAVENNER. Mr. Chairman, I think it is understood that he desired that there be no television.

The CHAIRMAN. It is understood that the witness desires that he not be televised.

Dr. GORDON. Is my voice going out over the air, at this time?

Mr. TAVENNER. No; I do not know.

Dr. GORDON. Can you find out?

Mr. TAVENNER. I think it is going to the press, to members of the press, and it may be going out.

Dr. GORDON. I did not mean the radio. As I understand TV, it is sound and vision together. As I understand it now from what I have seen in the past week, the sounds of my voice are going out over television and this I object to for the following reason: I should think that your committee would wish this witness the maximum amount of composure as he testifies as best he can to your questions. I do not think that the 10,000 or 50,000 eyes cast upon me or the ears listening to my voice grant me the proper kind of setting which I should think this committee would be most zealous to guard. That is my objection and I would like to make it for the record.

Mr. TAVENNER. Will you state your name, Doctor?

Dr. GORDON. Asher Gordon.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. MACINNIS. My name is James Martin MacInnis, San Francisco.

Mr. TAVENNER. When and where were you born, Dr. Gordon?

Dr. GORDON. I was born on October 8, 1916, in the city of Dayton, Ohio.

Mr. TAVENNER. Where do you now reside?

Dr. GORDON. In San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Dr. GORDON. Since 1944.

Mr. TAVENNER. Your profession is medicine?

Dr. GORDON. That is correct.

Mr. TAVENNER. Are you a general practitioner?

Dr. GORDON. I am a specialist in internal medicine.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Dr. GORDON. Following high school, I went to Ohio State University where I earned my bachelor of arts. I went to medical school at the

Johns Hopkins School of Medicine in Baltimore. I took a year of internal medical training in the Boston City Hospital in Boston, and I took a year of residency in medicine at the Johns Hopkins Hospital in Baltimore. Then, I entered the service. That was the end of my formal training.

Mr. TAVENNER. How long were you in the military service?

Dr. GORDON. Two years.

Mr. TAVENNER. When were you discharged?

Dr. GORDON. In 1946.

Mr. TAVENNER. Since that time, you have been engaged in the practice of medicine here in San Francisco?

Dr. GORDON. That is correct.

Mr. TAVENNER. Doctor, the committee has been inquiring regarding the extent, character, and objects of Communist activities of a professional group of the Communist Party in the area of San Francisco and in other places. The committee has learned through testimony that there was until recently at least such an organized group composed solely of doctors. I want to ask you whether or not you know of the present existence of such a group?

Dr. GORDON. What do you advise me?

Mr. MACINNIS. My advice is——

Mr. TAVENNER. My suggestion is that if counsel wishes to advise his witness, he advise the committee.

Mr. MACINNIS. I have no secrets from the committee.

Mr. TAVENNER. I understand that you have not.

Mr. MACINNIS. I did not say that to be facetious.

Mr. TAVENNER. I know that. It is a rule of the committee that counsel not address the committee in arguments.

You are in a position to make an argument to the committee through the principle of advising your client, and I suggest you do so quietly.

Dr. GORDON. Let the record show in our colloquy between us, the committee may wish everything we say.

Mr. TAVENNER. The committee does not desire to hear it. Where it has been able to do so, it has cut off the transmission system so that no one can eavesdrop, and we do not want to be in a position of having it said, even in a misunderstood way, that this committee is in any way listening in on what counsel and his client are talking about, so I wish you would confer to yourself.

Mr. MACINNIS. I will, of course, to defer to your suggestion. I do not like the individualist suggestion of a whisper. I will keep my voice down.

Mr. TAVENNER. I noticed from the beginning that the chairs have been separated. The witness is at one end of the table. I thought it was designed at the time. I suggest you and the witness move closer together so that you will not have any difficulty hearing each other.

Mr. MACINNIS. I will not quarrel with you because this would be a poor point of issue as to where the seats should be placed.

The CHAIRMAN. Go ahead and ask your question, Mr. Tavenner.

Mr. MACINNIS. I am sorry. We have had some colloquy between us and we have forgotten the question.

May the question be repeated?

Mr. TAVENNER. The question was and is, Do you have any knowledge of the existence at this time of an organized group of professionals as members of the Communist Party group in San Francisco composed solely of doctors, and I should say nurses and technicians?

Dr. GORDON. Mr. Tavenner, I should like to state at the present time that I am not now a member of the Communist Party. I should like to, if you would please, to divide your question, if you wish to divide it, as to whether you are asking me about now or in the past.

Mr. TAVENNER. Yes, sir; my question was specific. It said now.

Dr. GORDON. Would you consider the answer which I gave, that I do not now belong to the Communist Party in answer to that question?

Mr. TAVENNER. It is only a partial answer.

Dr. GORDON. As you know, Mr. Counsel, I am a physician. I have relationships with patients which correspond to you as an attorney having them with your client which has surrounding it an area of confidence which is not to be broken.

The CHAIRMAN. We are not inquiring about any professional situation, of course. We do not want to know anything about your relationships with your patients.

Dr. GORDON. Nevertheless, so that I may complete it, Mr. Chairman, I will not answer the question on the first ground that in some areas it might be that I would be breaking the confidence of a doctor-patient relationship. I will defer to counsel for further advice.

Mr. Tavenner, to further complete this section of my answer—there will be more—it has been established to my satisfaction at least that identification or recognition of a name with me is part of divulging a confidence, the fact that someone has come to me as a physician is divulging a confidence and not the details that occurred.

Mr. TAVENNER. Doctor, if I were to ask you what a particular person told you when coming to you for medical advice. I might be getting close to the question of interference with a confidential relationship, but I asked you no such question. I asked you whether you knew there was in existence such a group of the Communist Party. If 10 or 15 of your patients had so told you, you could answer that without the divulgence of names. I will not ask you to divulge the name of a person, the divulgence of whose name would in any way involve a confidential relationship of a doctor and a patient.

Mr. SCHERER. The confidential relationship that exists between a patient and a doctor involves the relationships of doctor and patient with respect to his physical and mental condition. A doctor cannot refuse to testify about some patient's actions, say if it were embezzlement or murder. He could still be asked about that. The relationship only refers to the relationship of doctor and patient.

Mr. TAVENNER. That is true, but this question does not get even that close to it. That is the point that I am trying to demonstrate to the witness. I have not asked a question that would even bring him that close.

Dr. GORDON. These are the establishment of grounds. I know your question did not get there. In some answers to some questions, it is possible that I may not anticipate—if I may confer further with counsel.

Mr. TAVENNER. Have you completed your answer?

Dr. GORDON. No, sir, I have not. Since I am not now a member of the Communist Party, I cannot give you any information. I have no information about the existence of such an organization at the present time. I am not through yet, sir.

Mr. TAVENNER. Have you completed your answer?

Dr. GORDON. Yes, sir.

Mr. TAVENNER. Were you at one time a member of a professional cell of the Communist Party in San Francisco composed solely of the medical profession, nurses and technicians?

Dr. GORDON. Mr. Tavenner, would you specify, if you have any time in mind, what area it is that you are concerned about?

Mr. TAVENNER. At any time.

Dr. GORDON. Mr. Tavenner, in case of the length of time in which you give scope to the question, I think the recent Supreme Court decision having to do with the establishment of the relevance of an investigation might clearly be raised, and I should like to express to you the relevancy of any time in the past my knowledge of the question which you have asked.

Mr. TAVENNER. Let me be more specific. Let me ask you whether, in 1947, you were a member of the Communist Party?

Dr. GORDON. Mr. Tavenner, I question the length of time. Counsel tells me that the recent Supreme Court decisions emphasize a statute of limitations. This takes us back 10 years, and I should question the relevancy of such a question.

Mr. SCHERER. Were you a member of the Communist Party last year? That is just 6 or 7 months ago. That is not 10 years ago.

Dr. GORDON. Mr. Scherer, Mr. Tavenner, I am advised by counsel that in the interests of avoiding incrimination that at this point I should like to avail myself of the protection of the fifth amendment.

The CHAIRMAN. Then, I understand, from that that you decline to answer the question by invoking the fifth amendment; is that correct?

Dr. GORDON. That is correct.

Mr. TAVENNER. Going back to the year 1947, did you accept during that period of time any assignment from the Communist Party or suggestion from the Communist Party as to what mass organization activities you should engage in?

Dr. GORDON. Mr. Tavenner, there is a particular mass activity that you are concerned with?

Mr. TAVENNER. I would like to know whether you did engage in a mass activity, mass organization activity in 1947, with the tacit understanding and approval of the Communist Party or leadership of any Communist Party group with which you might have been associated.

Dr. GORDON. Mr. Tavenner, if there are no mass organizations which you have in mind, or if you do, I—let me put it that way—if you have any mass organizations in mind, especially since this is a long time ago, I would like to know what they are so that I would have some basis of judging with the counsel here the relevancy of the question here.

Mr. TAVENNER. Surely you know whether you did engage in any work of that kind.

Dr. GORDON. Ten years ago is a long time. Surely you must know if you are asking the question.

Mr. TAVENNER. Let me make a suggestion to you which may be of some help.

Were you active in the work of the American Veterans Committee? I should add, if you were, whether it had anything to do with Communist Party membership. Did that play any part in your activity in that group?

Dr. GORDON. Mr. Tavenner, is the American Veterans Committee a proscribed organization within the scope of the Attorney General's subversive list?

Mr. TAVENNER. In other words, you are asking me whether or not it has been listed as a Communist-front organization; is that what you are asking me?

Dr. GORDON. Yes. That is the standard terminology.

Mr. TAVENNER. No; it has not been either by the Attorney General or by this committee.

Dr. GORDON. Mr. Tavenner, since the American Veterans Committee is not a proscribed organization, and I use the term in the same sense, may I ask you the relevancy of the question to the scope of this hearing?

Mr. TAVENNER. Yes, the committee has heard evidence that the various members of the professional cells were assigned to work in mass organizations. That was one of their large assignments. We have heard testimony as to how certain people were assigned to carry out the purposes of the Communist Party in the Federation of Teachers Union. We have observed that some were very active in the California Labor School. I think we have had testimony about the desire of the Communist Party to have members within organizations that were interested in rights for the Negro people. Those are illustrations. That points up the pertinency of this question.

Dr. GORDON. Mr. Tavenner, under the circumstances, after you have described the purpose of your interest in the organization——

Mr. TAVENNER. No; it is not interest in the organization. It is interest in the activity of the professional group of the Communist Party.

Dr. GORDON. In this organization, yes. Under those circumstances, I have been advised by my counsel that my course should be to invoke the protection of the fifth amendment.

Mr. TAVENNER. Will you tell the committee please in what organizations the medical group of the Communist Party was particularly interested; what mass organizations?

Dr. GORDON. Would you specify time, please?

Mr. TAVENNER. No; I am asking you.

Dr. GORDON. Counsel advises me as follows, Mr. Tavenner: That if there is no particular time that you have in mind and I am free to take my time for contemplation of your question and its answer, there would be a great deal of speculation possible under the circumstances.

If it is specific within a particular period of time, it seems appropriate.

Mr. TAVENNER. Let us say for the year 1956.

Dr. GORDON. Mr. Tavenner, I will at this point on the advice of counsel claim the protection and privilege.

Mr. TAVENNER. Will you advise the committee as to the numerical strength of the medical branch of the Communist Party in the year 1956, if you know?

Dr. GORDON. Will give you the same answer, Mr. Tavenner, for reasons I have given before, that is, that I will claim for this question the protection and the privilege.

Mr. TAVENNER. Did any incident occur between January 1, 1957, and the present time that has resulted in your answer being so far different as to Communist Party membership now and in 1956?

Dr. GORDON. Mr. Tavenner, in answer to your question, I have been advised by counsel that under the circumstances, there is the possibility of self-incrimination which exists, and in answer to your question I will rely on the privilege as I have before.

Mr. TAVENNER. You say you are not a member of the Communist Party now?

Dr. GORDON. That is right.

Mr. TAVENNER. You certainly are not speaking merely of today, are you? What about yesterday?

Dr. GORDON. Mr. Tavenner, were I to go backward with you following your question over the past in as small an increment of time as you wish to add to each question, I would be following into a situation where I might conceivably incriminate myself through an answer, so I will—I am going to have to do that with all such questions that go backward.

Mr. TAVENNER. You are making a very evasive answer. You are answering what your answer might be if I asked you something else. Will you come down to the question I asked you? Were you a member of the Communist Party yesterday?

Dr. GORDON. I will have to claim the privilege, sir.

The CHAIRMAN. Do you invoke the fifth amendment?

Dr. GORDON. I do, sir.

Mr. TAVENNER. I have no further questions.

The CHAIRMAN. The witness is excused.

Call your next witness.

Mr. TAVENNER. Dr. Rose Payne.

The CHAIRMAN. Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. PAYNE. I do.

**TESTIMONY OF DR. ROSE PAYNE, ACCOMPANIED BY COUNSEL,
LLOYD E. McMURRAY**

Mr. TAVENNER. Will you state your name, please?

Mrs. PAYNE. My name is Rose Payne.

Mr. TAVENNER. Spell your name please?

Mrs. PAYNE. P-a-y-n-e.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. McMURRAY. Lloyd E. McMurray, 785 Market Street, San Francisco.

Mr. TAVENNER. Where were you born?

Mrs. PAYNE. I was born in Pierce County, in the State of Washington.

Mr. TAVENNER. Where do you now reside?

Mrs. PAYNE. I reside in San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Mrs. PAYNE. Since 1948.

Mr. TAVENNER. What is your occupation or profession?

Mrs. PAYNE. My occupation is a research worker in the field of blood diseases. I work with erythrocytes and leucocytes. They are commonly known as red cells and white cells.

Mr. TAVENNER. That is very cute, indeed.

In other words, you are a research assistant?

Mrs. PAYNE. Yes, you might call it that.

Mr. TAVENNER. That is it, is it not? If it is not that, what is it?

Mrs. PAYNE. Just a moment, may I consult with my counsel, please?

The CHAIRMAN. He would not know better than you what your occupation is.

Mrs. PAYNE. Yes; I would like to be accurate, since this is a legislative inquiry.

The CHAIRMAN. If you think your lawyer knows what your occupation is any better than you do, then ask him.

Mrs. PAYNE. Thank you again.

(Witness conferred with her counsel.)

My counsel advises me that I should give my official title. The official title is research associate. It has a different meaning.

Mr. TAVENNER. I do not mean to demote you when I call you an assistant.

How long have you been engaged in that work?

Mrs. PAYNE. Excuse me a moment again, please.

Do you mean in the field of blood research?

Mr. TAVENNER. I mean in your present position.

Mrs. PAYNE. I have been in my present position with varying titles since 1948.

Mr. TAVENNER. Will you tell the committee what your formal educational training has been?

Mrs. PAYNE. My formal education—would you like me to begin at the beginning?

Mr. TAVENNER. No, not in the primary grades, just begin with college.

Mrs. PAYNE. I have a bachelor of science degree.

Mr. TAVENNER. From what school?

Mrs. PAYNE. From the University of Washington.

Mr. TAVENNER. When did you receive it?

Mrs. PAYNE. I received it in 1932. Would you like me to go ahead?

Mr. TAVENNER. Yes, go right ahead.

Mrs. PAYNE. I also received a master of science degree in the field of bacteriology in 1933. That was also at the University of Washington. I think, but I do not recall, whether it was between my bachelor degree and my master or following my master's degree that I received a research fellowship which took me to the State of Massachusetts. This was at the Woods Hole Oceanographic Institute.

Following that, I pursued further studies toward the doctor of philosophy degree which I received in 1937 also from the University of Washington.

Mr. TAVENNER. When did you leave the State of Washington to come to California?

Mrs. PAYNE. Excuse me a moment, please.

I did not leave Washington to come to California.

Mr. TAVENNER. Where did you go when you left Washington?

Mrs. PAYNE. I left Washington to go to Oregon.

Mr. TAVENNER. That is rather on the way to San Francisco.

Mrs. PAYNE. Yes, Mr. Tavenner, it is.

Mr. TAVENNER. How long did you stop over in Oregon?

Mrs. PAYNE. I lived in Oregon approximately 5 years.

Mr. TAVENNER. Did you continue down to San Francisco from Oregon?

Mrs. PAYNE. Well, if you were thinking of it in terms of en route, it might be expressed so. I moved from Oregon to California.

Mr. TAVENNER. What year was that, about 1948?

Mrs. PAYNE. 1948, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee, please, whether or not in the practice of your profession here in the city of San Francisco, you have become aware of the existence of an organized group, secret group, of the Communist Party made up of professional people, one of which groups at least was composed of doctors, nurses, and technicians.

Mrs. PAYNE. I object to the question, Mr. Tavenner. I should like to state clearly and briefly why I take certain positions in this inquiry. They will be based in part upon the fact that the citizens of our country enter the voting booth alone. This is one simple and recognized expression of his rights to privacy of opinion set out by the Founding Fathers in the first amendment to the Constitution. Our citizens are entitled to express their political belief in complete privacy or not to express it at all. Our early statesmen carefully considered these provisions. The results of their deliberations have stood the test of more than a century and a half. They express the democratic theory first put into practice in the 18th century which they are extended to the present day.

Now, and in past times it has become necessary to defend these principles and practices.

Professor Einstein, a truly illustrious man——

Mr. TAVENNER. Are you not getting very far afield of your objection to this question? If you have any legal grounds upon which to base your objection, I am sure the committee would be glad to hear them but not a speech. This is a prepared speech that you are delivering, a great part of which has no relevancy at all. I just merely ask you to try to confine yourself to any legal points that you have in mind.

Mr. SCHERER. Constitutional grounds.

Mrs. PAYNE. Yes, I would like to continue for this reason, that I do not speak well extemporaneously at any time. In the scientific field, we always write even the briefest of comments. This is merely a comment that I am going to make.

Mr. SCHERER. I object.

The CHAIRMAN. You are directed to answer the question that has been asked.

Mr. SCHERER. You can use the Constitution as authority but not Mr. Einstein.

Mrs. PAYNE. Is the committee denying me the opportunity of stating the grounds for my objections?

The CHAIRMAN. No, but you are directed to answer the question.

Mrs. PAYNE. Then, I will proceed to state the grounds upon which I decline to answer.

The CHAIRMAN. All right, proceed.

Mrs. PAYNE. Professor Einstein, a truly illustrious man of thought, has called upon all thinking people in the following language. I quote:

In principle everybody is equally involved in defending constitutional rights. The intellectuals in the widest sense of the word are, however, in a special position since they have, thanks to their special training, a particularly strong influence on the formation of public opinion. It is, therefore, in the present situation especially important for the intellectuals to do their duty. I see this duty in refusing to cooperate in any undertaking that violates the constitutional rights of the individual. This holds in particular for all inquiry situations that are concerned with the private life and the political affiliations of the citizen. Whoever cooperates in such a case, becomes an accessory to acts of violations or invalidation of the Constitution.

I end quote of Einstein's statement.

The first amendment is not the only constitutional safeguard against congressional inquiry in the areas where Congress is forbidden to act. To protect the citizen who is compelled as I have been to appear before such a body as this, the fifth amendment was also adopted. It includes the provision that no one shall be compelled to be a witness against himself.

The CHAIRMAN. Do I understand you to say that the fifth amendment was adopted in order to afford some protection to witnesses before congressional committees?

Mrs. PAYNE. I understand that it is one of its purposes and one of its principal uses today.

Mr. TAVENNER. It is certainly true.

The CHAIRMAN. You are quite right.

Mr. TAVENNER. Yes, you certainly are.

Mr. SCHERER. Did she say uses or abuses?

The CHAIRMAN. Well, it is the same thing.

Mrs. PAYNE. To protect the citizen as is compelled, as I have been, to appear before such a body as this, the fifth amendment was also adopted. It includes the provision that no one shall be compelled to be a witness against himself.

The CHAIRMAN. Do not stop there, Doctor—in any criminal matter—you have very conveniently neglected to recite the entire provision of the fifth amendment. Go ahead.

Mrs. PAYNE. Do you not know that testimony——

The CHAIRMAN. Yes, I do, go ahead.

Mrs. PAYNE. All right. Thank you. Because this committee is only interested in subversive matters, any questions it may have about my acts or associations may lead to a criminal prosecution against me. This may happen if I answer the question, no matter which way I answer it. Furthermore, I understand that if I answer such a question, I will then have given up, that is, I will have waived my right, to remain silent in response to all other questions in this area. I have no intention of giving up that fifth amendment right. I rely upon it. [Applause.]

The CHAIRMAN. Now, I have repeatedly warned the people in the audience. I do not like to have this hearing room cleared because the vast majority of the people are aware of the importance of these proceedings. To that small group that persists and insists on making demonstrations, I serve this last note of warning.

Proceed.

Mr. TAVENNER. Have you appeared before the Committee on Un-American Activities at any time prior to today?

Mrs. PAYNE. No, I have not.

Mr. TAVENNER. Possibly I should give you an opportunity to deny or explain or affirm testimony that was taken by this committee on June 19, 1954, at Portland. A witness by the name of Robert W. Canon testified. Mr. Canon testified as follows:

The party leadership would periodically visit our club.

Mr. Kunzig, who was counsel for this committee, then asked:

Who would visit the club?

Mr. CANNON. Earl and Rose Payne, his wife, Rose.

Mr. KUNZIG. Did you know her to be a member of the Communist Party?

Mr. CANON. Oh, yes; yes, sir. They visited us frequently, and then after Mr. Payne was expelled from the party, Mark Haller visited us on several occasions.

Was Mr. Canon correct in referring to Rose Payne as a member of the Communist Party who frequently visited his club?

Would you like to deny it or affirm it? I do not want you to leave here without the opportunity of expressing your opinion about it.

Mrs. PAYNE. I decline to answer that question for the reasons that I have already stated, which I do not believe you would care for me to reread.

The CHAIRMAN. We remember them. Proceed, Mr. Tavenner.

Mr. TAVENNER. That was at Portland. That is on the way, is it not, from Washington down to California?

Then the committee heard testimony on June 18, 1954, from Barbara Hartle. Barbara Hartle was one of those who was convicted under the Smith Act in the State of Washington and was sentenced to a term of imprisonment. She testified fully before this committee. She would not testify before her sentence was imposed because she felt that to do so might be considered by some of her former friends in the Communist Party as having been given in order to affect her sentence, so she received her sentence and she served her sentence. She was one of the most informed, active witnesses this committee has ever had on the theory and the purposes of the Communist Party.

Were you acquainted with her?

Mrs. PAYNE. Same answer.

Mr. TAVENNER. At the hearing on June 18, Mr. Kunzig asked this question of Mrs. Hartle:

In your knowledge of Earl Payne, did you have occasion to know his wife, Rose Payne?

Mrs. HARTLE. Yes; I knew his wife as a member of the Communist Party in King County when she and Earl Payne were married and were living there. I have attended Communist Party functionary meetings with her in Seattle in the early 1940's.

Is that testimony true or false?

Mrs. PAYNE. I decline to answer that question. You know that I will decline, and it is for the same reasons as previously stated.

Mr. TAVENNER. As a matter of fact, you were well steeped and trained in Communist Party work before you came to San Francisco, were you not?

Mrs. PAYNE. Same answer, Mr. Tavenner.

Mr. TAVENNER. How long was it after your arrival here in 1948 before you became identified with a medical branch, or professional branch, of the Communist Party in San Francisco?

Mrs. PAYNE. Mr. Tavenner, have I been so identified?

Mr. TAVENNER. Will you answer the question?

Mrs. PAYNE. I assume that I have not been so identified, but, since you pressed this area on this area, I will decline to answer as previously.

Mr. TAVENNER. Did you attend a Professional Section convention at the home of Dr. Morton Garfield in December of 1950 as a representative of the medical group?

Mrs. PAYNE. Same answer.

Mr. TAVENNER. Are you a member of the medical group now, that is, the medical branch of the Professional Section of the Communist Party?

Mrs. PAYNE. Same answer.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

The CHAIRMAN. The witness is excused.

(Witness excused.)

The CHAIRMAN. Call your next witness.

Mr. TAVENNER. Dr. Morton Garfield.

Mr. BROWN. He objects to television during this hearing.

The CHAIRMAN. We will request the television people to comply with his request that he not be televised. I trust that the television people will cooperate.

Will you raise your right hand, please? Do you swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. GARFIELD. I do.

TESTIMONY OF DR. MORTON (M.) GARFIELD, ACCOMPANIED BY COUNSEL, J. A. BROWN

Mr. TAVENNER. What is your name, please?

Dr. GARFIELD. My name is Morton Garfield.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. BROWN. J. A. Brown, of the California bar.

Mr. TAVENNER. When and where were you born, Dr. Garfield.

Dr. GARFIELD. I was born in Virginia, November 30, 1914.

Mr. TAVENNER. Where in Virginia?

Dr. GARFIELD. Norfolk, Va.

Mr. TAVENNER. Where do you now reside?

Dr. GARFIELD. San Francisco.

Mr. TAVENNER. How long have you lived in San Francisco?

Dr. GARFIELD. Thirteen years.

Mr. TAVENNER. You are a medical doctor?

Dr. GARFIELD. Yes.

Mr. TAVENNER. Will you tell the committee, please, what your professional training has been?

Dr. GARFIELD. Yes. I was graduated from the University of Virginia in 1935, with a bachelor of science degree. I was graduated from Johns Hopkins University in 1939 with an M. D. degree.

Mr. TAVENNER. When did you embark upon the practice of your profession?

Dr. GARFIELD. Approximately 1944.

Mr. TAVENNER. Dr. Garfield, the committee has been undertaking to determine the full extent of the operations of a medical branch of the Communist Party in the city of San Francisco. That is an organized secret group of the Communist Party composed of members of the medical profession, nurses, and technicians.

Do you have any knowledge at the present time of the existence of such a group?

Dr. GARFIELD. I wish to state, Mr. Tavenner, that my beliefs and associations are personal and private; that, in my opinion, most of my fellow citizens would agree that this is my privilege. I respectfully decline to answer that question under the rights granted to me by the first and fifth amendments of the Constitution.

Mr. TAVENNER. We have been undertaking, as I said, to find out what we can about the activities of this organization, this group. The committee has received evidence at various places in the State of California of the extreme activity of the Communist Party in the organizing and functioning of the Independent Progressive Party back about 1950. I hand you a photostatic copy of a document showing the appointment of members of the State Central Committee of the Independent Progressive Party in the year 1950, and ask you to examine it and state whether or not you were one of the appointees?

Dr. GARFIELD. I must decline to answer that question and I do decline to answer that question on the same grounds I previously stated.

Mr. TAVENNER. You do see your name there, do you not, as one of the appointees of the State central committee?

Dr. GARFIELD. The same answer, sir.

Mr. TAVENNER. You will not state whether or not you see it?

Dr. GARFIELD. My answer is the same.

Mr. TAVENNER. I will read what it says. May it be marked "Garfield Exhibit No. 1"?

The CHAIRMAN. Let it be so marked.

(Garfield Exhibit No. 1 retained in committee files.)

Mr. TAVENNER. It reads as follows:

I, Morton M. Garfield, S. F., duly qualified as a delegate to the State convention at Sacramento in the year 1950, by virtue of my appointment by the county central committee to the office of delegate on the 11th day of July 1950, upon the Independent Progressive ticket, do hereby appoint the following three voters, who shall be members of the State Central Committee to meet at Sacramento, August 6, 1950—

and then it gives the names of the three persons so appointed.

In witness whereof, I have hereunto set my hand this 31st day of July 1950—
and it is signed "Morton M. Garfield."

Apparently I was mistaken in stating that you were a member of the State Central Committee, but you were appointed as a delegate to it by the county central committee. Does that change your answer in any way to my explanation?

Dr. GARFIELD. My answer is the same, sir.

Mr. TAVENNER. Were you, on the date of the execution of this paper, July 31, 1950, a member of a professional cell of the Communist Party in San Francisco?

Dr. GARFIELD. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. What part did the medical profession cells play in the IPP in this area, if any?

Dr. GARFIELD. My answer must be the same, sir.

Mr. TAVENNER. Were you given an assignment at any time to work in any mass organization other than the IPP which we have just mentioned?

Dr. GARFIELD. My answer is the same, sir.

Mr. TAVENNER. Are you a member of the Professional Section of the Communist Party composed of members of the medical profession at this time?

Dr. GARFIELD. My answer is the same as previously stated for the same reasons.

Mr. TAVENNER. Will you tell the committee, please, whether or not, in December of 1950, the Professional Section of the Communist Party of which I have been speaking held its convention in your residence?

Dr. GARFIELD. My answer is the same.

Mr. TAVENNER. Do you not have full knowledge of the operations of the Professional Section of the Communist Party since 1950?

Dr. GARFIELD. My answer is the same on the same grounds. This question as the others did, invades my right of privacy and freedom of speech and my rights against self-incrimination embodied in the first and fifth amendments of the Constitution.

Mr. TAVENNER. In other words, you refuse to give this committee any information about the operations of this group? That is in substance what you are saying and the position you are taking.

Dr. GARFIELD. My answer is the same, sir.

Mr. TAVENNER. Well, I think it is useless for me to ask you any more.

I have no further questions.

The CHAIRMAN. The witness is excused.

(Witness excused.)

The CHAIRMAN. The committee will stand adjourned and it will meet tomorrow morning at 9:30.

(Whereupon, the committee recessed at 4:45 p. m., to reconvene at 9:30 a. m. Friday, June 21, 1957.)

HEARINGS HELD IN SAN FRANCISCO, CALIF., JUNE 18-21, 1957—PART 2

FRIDAY, JUNE 21, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
San Francisco, Calif.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m., in the board of supervisors' hearing room, City Hall, San Francisco, Calif., Hon. Gordon H. Scherer, presiding.

Committee members present: Representatives Gordon H. Scherer, of Ohio, and Robert J. McIntosh, of Michigan.

Staff members present: Frank S. Tavenner, Jr., counsel, and William A. Wheeler, investigator.

Mr. SCHERER. The subcommittee will come to order. Let the record show that Francis E. Walter, Chairman of the Committee on Un-American Activities, will not be with us today. He is in Pennsylvania for an engagement of long standing. He has appointed a subcommittee consisting of the gentleman from Michigan, Mr. Robert J. McIntosh; Mr. Edwin E. Willis, from Louisiana; and myself as a subcommittee for the purpose of conducting these hearings today.

Will you call your first witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Jack Eshleman, will you come forward?

Mr. SCHERER. You do solemnly swear that the testimony you shall give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ESHLEMAN. I do.

Mr. SCHERER. Please be seated.

TESTIMONY OF JOHN M. ESHLEMAN, ACCOMPANIED BY COUNSEL, HAROLD A. GALLOWAY

Mr. TAVENNER. Will you state your name, please, sir?

Mr. ESHLEMAN. My name is John M. Eshleman.

Mr. TAVENNER. Spell your name, please.

Mr. ESHLEMAN. E-s-h-l-e-m-a-n.

Mr. Chairman, before any questions—just a moment—I have a question I would like to ask as procedure.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself.

Mr. GALLOWAY. Harold A. Galloway, 68 Post Street, and a member of the California bar.

Mr. ESHLEMAN. It seems to be doubtful that a quorum is present. I would like to have a ruling on that.

Mr. SCHERER (presiding). There is a quorum of the subcommittee present.

Mr. TAVENNER. When and where were you born?

Mr. GALLOWAY. Just a moment, please.

Mr. TAVENNER. Excuse me, I did not notice that you were in conference.

Mr. ESHLEMAN. It is my understanding that four men were appointed to the committee. I now ask if two Members of Congress constitute a quorum?

Mr. SCHERER. Your objection has been noted on the record. Proceed, Mr. Tavenner.

Mr. ESHLEMAN. Is there a ruling that two members constitute a quorum?

Mr. SCHERER. You evidently did not hear what I said when I assumed the chairmanship of the subcommittee this morning. Mr. Walter, Chairman of the Committee on Un-American Activities, appointed a subcommittee consisting of Mr. Robert J. McIntosh, the gentleman from Michigan; Mr. Edwin E. Willis, the gentleman from Louisiana; and myself as a subcommittee for the purpose of conducting the hearings today, and that Mr. McIntosh and myself are present, which is a quorum of that subcommittee.

Will you proceed.

Mr. TAVENNER. May I be excused?

Mr. SCHERER. We will have a few minutes recess while counsel answers a telephone call.

(Brief recess.)

Mr. SCHERER. The committee will come to order. Mr. Tavenner, will you proceed?

Mr. GALLOWAY. Mr. Chairman, may I address the Chair?

Mr. SCHERER. Yes.

Mr. GALLOWAY. Mr. Chairman, in the absence of Chairman Walter, of the House Un-American Activities Committee, an interesting and important point has arisen as we have just raised the question of the quorum.

Mr. SCHERER. Would you come up here just a moment.

Mr. GALLOWAY. I am referring to rule 25.

Mr. SCHERER. At the same time you are familiar with rule 7.

Let us have an understanding, please. The ruling of the chairman yesterday was the committee is pleased to have you here, but I would appreciate your not displaying any approval or disapproval of anything that is said by counsel, witnesses, or the committee.

Mr. TAVENNER. Mr. Eshleman, will you state when and where you were born, sir?

Mr. ESHLEMAN. I wish to state that any further questions which I will answer will be under protest on the grounds that this committee is illegally constituted.

Mr. SCHERER. Will you answer the question now, sir?

Mr. ESHLEMAN. Will you repeat the question, please?

Mr. TAVENNER. When and where were you born?

Mr. ESHLEMAN. September 18, 1914, Oakland, Calif.

Mr. TAVENNER. Where do you now reside?

Mr. ESHLEMAN. Mill Valley, Calif.

Mr. TAVENNER. Have you been a resident of California during your entire life? Let me put the question this way: Have you resided at any place out of the State of California for any period of time?

Mr. ESHLEMAN. I have maintained legal residence in the United States all my life, and in California, and I travel outside of the United States on occasion.

Mr. TAVENNER. My question is whether you have resided for any period of time outside of the State of California. I did not ask you about your legal residence.

Mr. ESHLEMAN. What period of time are you discussing?

Mr. TAVENNER. Have you lived in any other State for any period of time?

Mr. ESHLEMAN. I lived in Utah for approximately a year.

Mr. TAVENNER. I believe I can shorten it. How long have you lived in the State of California prior to the present moment without having lived any other place?

Mr. ESHLEMAN. Since 1938.

Mr. TAVENNER. Will you tell the committee, please, what your profession or occupation is?

Mr. ESHLEMAN. I am a newspaper reporter.

Mr. TAVENNER. Tell the committee, please, of what your formal educational training has consisted.

Mr. ESHLEMAN. Graduated from the University of California in 1938, a bachelor of arts degree.

Mr. TAVENNER. Will you outline to the committee briefly what your employment has been since 1940, but before doing that, have you been a member of the Armed Forces of the United States?

Mr. ESHLEMAN. No; I have not.

Mr. TAVENNER. Then, proceed, please, to tell us what your record of employment has been since 1940.

Mr. ESHLEMAN. I can tell the committee that I worked in the newspaper industry here since 1946. As to prior to that, I am going to decline to answer.

Mr. TAVENNER. Have you worked as a reporter in San Francisco—

Mr. SCHERER. Just a moment. I direct that you answer the question where you worked prior to 1946.

Mr. ESHLEMAN. I am going to decline to answer questions that bear on my past political beliefs and associations under the guaranties that are given me in the fifth and first amendments as well as the sixth amendment.

Mr. SCHERER. The question was, Witness, as to where you work, not as to your association and beliefs or activities, other than your employment. The question is asked for the purpose of identification.

Mr. ESHLEMAN. I have performed work in the past which may involve political associations, and I decline to answer on the grounds that I have just stated.

Mr. SCHERER. I am sorry. It was my fault. What were the two amendments you raised.

Mr. ESHLEMAN. I raised three—fifth, first, and sixth.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. When you say you worked in the newspaper field since 1946, do you mean that you have worked continuously in San Francisco in that field since 1946?

Mr. ESHLEMAN. That is correct.

Mr. TAVENNER. Was that entire time spent as a newspaper reporter? Is it that type of work?

Mr. ESHLEMAN. I worked for the Call-Bulletin as a copy reader until 1952. I have been a reporter on the Examiner since August of 1952.

Mr. TAVENNER. Will you tell the committee, please, whether at any time since you have been employed in the city of San Francisco since 1940 you have been aware of the existence of a professional group of the Communist Party composed of members of the various professions in San Francisco?

Mr. ESHLEMAN. I decline to answer on the previously stated grounds.

Mr. TAVENNER. The committee has heard evidence indicating that various members of the professions, the different professions—the medical profession, the legal profession, and others—were assigned to activity within various mass organizations. Were you assigned to any work of that character in a mass organization?

Mr. ESHLEMAN. I decline to answer on the grounds that I previously stated.

Mr. TAVENNER. While employed in San Francisco, were you at any time a teacher in the California Labor School?

Mr. ESHLEMAN. I decline to answer on the grounds that I previously stated.

Mr. TAVENNER. Were you at one time a publicity director of the North Side Club of the Communist Party, a club which has been described as being one of the professional groups of the Communist Party in San Francisco?

Mr. ESHLEMAN. I decline to answer that question on the grounds I have previously stated, and in so doing I wish to state that I am not now a member of the Communist Party nor am I in sympathy with it. As to questions involving previous association with the Communist Party, I shall decline to answer on the grounds which I have stated.

Mr. TAVENNER. I am gratified indeed to know that you are not now a member of the Communist Party and that you are not in sympathy with it. If you desire to state to this committee why you are not in sympathy with it, I would be glad to give you that opportunity.

Mr. ESHLEMAN. Thank you, Mr. Tavenner, for the invitation. I have a short statement here which I would like to read.

There is a lot of paperwork involved in appearing before these committees. I have written it out, and apparently I have mislaid it, but I would like a minute to find it.

Mr. SCHERER. Take all the time you need.

Mr. ESHLEMAN. I believe that this committee, under the first amendment, has no right to inquire into anyone's political associations, past or present.

Mr. TAVENNER. Just a minute. That is not in response to the invitation I gave you. You said you opposed communism. I said I would give you an opportunity to state why you are opposed to communism. You are giving a statement of your opposition to this committee. We know that without asking.

Mr. ESHLEMAN. I am not a Communist nor in sympathy with it, nor am I in sympathy with the rightwing subversion which is active today——

Mr. TAVENNER. Again, it is not responsive to the question at all. It is quite apparent what the gentleman has in mind, and I think he should not be permitted to deliver a prepared speech against the work of this committee.

Mr. SCHERER. Are you sure you have the proper statement at this time?

Mr. GALLOWAY. I read the statement, Mr. Chairman, and there is some pretty good stuff in it. It is not intended to belittle this committee at all, but if you intend that it not be read we can only bow to your direction on that.

Mr. SCHERER. I would like to have it, as all statements are required to be submitted to the committee, and we will make it part of the record.

Mr. GALLOWAY. The man is here before the public——

Mr. SCHERER. Obviously the answer of the witness has not been responsive so far.

Mr. GALLOWAY. It has not been responsive to the specific question so far, but there is other material which was about to be stated which would be.

Mr. SCHERER. Maybe I am wrong, but I understand the witness said he was not in sympathy with the objectives of the Communist Party at the present time. Mr. Tavenner said, and I think properly so, if you care to tell us why you are not in sympathy with the Communist objectives at this time, we would be happy to hear from you. If any part of his statement deals with that, we will be happy to hear it. If not, he can submit his statement to the committee, if he so desires.

Mr. ESHLEMAN. If the committee does not wish to hear my statement—which I have prepared because my friends and enemies are watching me and will judge me—I wanted to state how I feel and I wanted to tell a bit of my political beliefs, of which I am proud and which might possibly be a new light or of some help to this committee. Since you do not care to hear it, we will bow to your ruling.

Mr. SCHERER. You are misinterpreting what I said. I said any part of your statement which is responsive to the question which you indicated would be your answer, we would be happy to hear from you, but it is in violation of the rules of the committee to make a speech or a statement unrelated to the questions at hand, particularly from a witness who has——

Mr. ESHLEMAN. If I am going to tell this committee my political beliefs, I will tell them that I will not have any parts put in out of context. I think the whole thing is related. What Mr. Tavenner related to I have objected to it, because it is out of context. The whole statement would respond to this question.

Mr. SCHERER. May I point out that you refused to answer the initial questions propounded to you by Mr. Tavenner on the grounds that you would not discuss with this committee your political beliefs. I think we have reached an impasse. The witness is excused.

(Witness excused.)

Mr. SCHERER. Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mrs. Dorothy Jeffers.

Mr. SCHERER. I believe this witness was sworn yesterday.

Mr. TAVENNER. Yes, sir. However, Mr. Chairman, since this is a different subcommittee, in order to avoid any difficulty, may I ask that she be sworn again.

Mr. SCHERER. You do solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. JEFFERS. I do.

TESTIMONY OF MRS. DOROTHY (M.) JEFFERS—Resumed

Mr. TAVENNER. I believe you testified, Mrs. Jeffers, that you at one time were a treasurer of one of the professional groups of the Communist Party.

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Will you tell us, please, briefly, what your duties as treasurer were?

Mrs. JEFFERS. The duties of the treasurer were to handle all moneys of the club, to collect dues and sustainers, to pay any bills that the club may have incurred as a result of mailings or funds that were expenses for a party, that sort of thing. Also, the moneys collected from dues and sustainers were remitted to, I believe, the section committee treasurer.

Mr. TAVENNER. You spoke of sustainer funds. What do you mean by that?

Mrs. JEFFERS. A sustainer was a personal pledge from each member over and above his dues payment to support the Communist Party.

Mr. TAVENNER. When you were paid the Communist Party dues by the members, and these sustainer funds or contributions, what disposition did you make of the money?

Mrs. JEFFERS. I turned them over to the county office.

Mr. TAVENNER. The county office where?

Mrs. JEFFERS. 942 Market Street.

Mr. TAVENNER. Will you speak up a little more, please?

Can you recall at this time the name of any person to whom you delivered those funds?

Mrs. JEFFERS. Yes; I regularly gave them to Dan Mah.

Mr. TAVENNER. Dan Mah; M-a-h.

Mrs. JEFFERS. Dan Mah; M-a-h.

Mr. TAVENNER. Do you have any knowledge of your own as to how these funds were used after being paid over to the county headquarters?

Mrs. JEFFERS. I do not.

Mr. TAVENNER. Were you a membership director of one of these groups?

Mrs. JEFFERS. Yes; I was.

Mr. TAVENNER. What were your duties as a membership director?

Mrs. JEFFERS. Membership director was to take charge of club attendance records, to interest and discuss with people their recruiting of other people into the Communist Party, to talk with people who were not attending regularly, to make them see and understand their political responsibility to attend party meetings regularly.

Mr. TAVENNER. What type of records were maintained of these secret groups?

Mrs. JEFFERS. When I first entered the party, rather regular records were kept. Later, it was frowned upon to keep records of either dues payments or attendance.

Mr. TAVENNER. Speak a little louder, please. What did you say was the practice later?

Mrs. JEFFERS. As security regulations were tightened, it was frowned upon to keep any sort of records. We were not supposed to keep anything in writing.

Mr. TAVENNER. You were not supposed to keep anything in writing?

Mrs. JEFFERS. It was an extremely difficult thing to keep track without any written record.

Mr. TAVENNER. Was any plan devised to keep a record which would be intelligible only to the individual people?

Mrs. JEFFERS. I devised a very simple code which anyone could read if they really studied it hard, but at a quick glance I do not think you would know what it was.

Mr. TAVENNER. But you did not write out the name of the individual?

Mrs. JEFFERS. No. Membership directors were supposed to look into the mass work of individual members, too.

Mr. TAVENNER. By mass work, do you mean engaging in mass activities?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Before I ask you about that, did the work have anything to do with recruitment into the Communist Party?

Mrs. JEFFERS. Yes; that was one of the duties, to do personal recruiting and to encourage others to make contacts which might lead to the recruitment of people into the party.

Mr. TAVENNER. Did you recruit anyone into the Communist Party?

Mrs. JEFFERS. No; I did not feel that I could recruit someone else into an organization in which I did not have faith.

Mr. TAVENNER. Did you at any time become a chairman of a group?

Mrs. JEFFERS. I did.

Mr. TAVENNER. Will you state about when that was?

Mrs. JEFFERS. Probably 1951, and 1952, I would say.

Mr. TAVENNER. What were your duties as chairman?

Mrs. JEFFERS. The chairman was responsible for the overall functioning of the group; to conduct meetings and attend executive committees; keep up the morale of the group, which at that time was somewhat low; discuss participation in the mass work; discuss participation in club work; carrying out of assignments; do your Marxist-Leninist reading. In general, it was to lend direction to the work of the club.

Mr. TAVENNER. You said the morale at that time was low. Can you give the committee any reason for the morale being low in those years?

Mrs. JEFFERS. I think this was a period, if I have my dates right, when the Government had started a series of trials indicting Communist Party leaders who were advocating the overthrow of the Gov-

ernment, and it made people very conscious of their personal security and they began to think in these terms. It caused a great concern, organizationally, in the party. Also, the Korean war—did I say that?—increased tensions, and the international situation brought on fear of possible war with China or with the U. S. S. R., so all in all, it was a situation in flux when the party felt threatened and individualists felt threatened as individuals. They felt that anything could happen.

Mr. TAVENNER. Were the cells of the Communist Party at that time reduced in number?

Mrs. JEFFERS. Yes; I think that is a period when the size of party groups or branches was broken down into very small groups of 5 or 6 people. It was thought in this way, instead of having 20 or 15 people going to a home on regular occasions, 5 or 6 people is not very conspicuous. Also, if there should be a Government agent in the group, his information would be very much lessened down, to information about a small group rather than a large group.

Mr. TAVENNER. I think prior to the Smith Act trials, the extent to which there had been infiltration by the FBI into the Communist Party was not generally known. Is that not true?

Mrs. JEFFERS. I would say so.

Mr. TAVENNER. In other words, this is infiltration in reverse?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. The specialists in that field found that they themselves were being infiltrated?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Did you hold a position with the Executive Committee of the Communist Party at any time?

Mrs. JEFFERS. I was a member of the Executive Committee of the Professional Section for several years. I can't tell you exactly how many, but after I became membership secretary and chairman I was a member of the sectional committee.

Mr. TAVENNER. How was that Executive Committee constituted?

Mrs. JEFFERS. That was constituted of officers of the various branches, I believe.

Mr. TAVENNER. A little while ago you mentioned that one of your duties was to see to assignments in mass organizations. What do you mean by assignments in mass organizations?

Mrs. JEFFERS. Every member of the Professional Section has a duty to engage in what was called mass work. This means to become a member of some organization which has a large number of members, to learn the working of an organization, to become a responsible functioning member, accepting assignments, giving leadership, making friends; you eventually guide the direction. This would be the eventual hope, to guide the direction of the organization. In the beginning you would support other organizations' stated purposes to meet the people. I would say the Communists are very good members. They do their work. They do their assignments. They are very effective.

Mr. TAVENNER. That is virtually the only way to win influence in an organization, to be active.

Mrs. JEFFERS. Yes; thoroughly active and imbued with the organization.

Mr. TAVENNER. Let me talk for a moment about your own assignment in that respect. Was there any particular mass organization in which you were expected to engage in work?

Mrs. JEFFERS. Yes; I was assigned to the National Association for the Advancement of Colored People. Their aims, the aims of the party, the immediate aims of the party for Negroes—or all aims we can agree upon—the immediate aims are all aims we can agree upon for improved conditions, civil rights, elimination of the poll tax, and so forth.

Mr. TAVENNER. Will you try to raise your voice a little, or get a little closer to the microphone?

Mrs. JEFFERS. The later aims—of course, the ultimate aim is to get Negroes to join the party. They work with them, they become friends with them, they prove themselves sincere and honest workers for cause, and you trust them. They hope, at least, that you will trust them and say this is a good man. They feel I will help myself and my people by joining this organization, as he has proved himself such a valuable ally. This, I think, works in the same way in all of the workings in which members took part.

Mr. TAVENNER. You say it was the primary function of members of this Professional Section of the Communist Party to engage in work of that kind?

Mrs. JEFFERS. It was considered extremely important. If you were simply a Communist Party member and reading party literature and doing no work in a mass organization, you were said to be working in a vacuum.

Mr. TAVENNER. In other words, unless you were doing those things, you were not propagating the plans and theories of the Communist Party?

Mrs. JEFFERS. You were not advancing the party or making the party broader in its membership.

Mr. TAVENNER. I believe you have indicated that “mass work” also was used as a plan for recruitment into the Communist Party.

Mrs. JEFFERS. Indeed so. It was thought, after being such a very good person in the organization, proving so worthwhile and valuable in your work, that you would have gained the trust of people, so that when you made a proposal to them and have a nice little group of friends coming over tonight—“Why don’t you join us?”—this was the first step, you see.

Mr. TAVENNER. Many people have been led into the Communist Party by that smooth method of operation. Is that not true?

Mrs. JEFFERS. Probably, probably. However, I do not think it has worked so well among Negroes.

Mr. TAVENNER. What was that?

Mrs. JEFFERS. I do not think the inducements worked too well among Negroes.

Mr. SCHERER. I agree with you. The testimony all over the country has been that the Negroes have resisted the advances of the Communists to have them join the party better than any other segment of our population. That is the sworn testimony before this committee.

Mr. TAVENNER. While we are on that subject, I think it would be interesting for us to know a little more in detail what the Communist Party tried to sell the Negro people.

Mrs. JEFFERS. Of course, the original bill of goods is improved conditions in civil rights, the elimination of poll tax, the lynching law, FEP legislation. This is a program on which all Negroes will go, but the last part of their program is one on which Negroes do not agree, and that is national liberation for the Negro people or at least a choice of national liberation for the Negro people. As an oppressed nation they would have a right to remain—whether they would remain—as a nation within the confines of the United States or whether they would become a separate nation. This is not at all interesting to the Negro people. I can only speak for the few with whom I have talked, but I think from the very fact that their campaign failed—and there was a time when they were promoting this very strongly and talking this very strongly without any results.

Mr. SCHERER. Again, I might say the testimony before the committee indicates what you say is absolutely true, that the Negroes rejected the idea of a separate Negro nation as suggested in the Communist Party program.

Mrs. JEFFERS. Yes; this is not their idea at all.

Mr. SCHERER. In other words, the Communist Party advocated segregation.

Mrs. JEFFERS. That is what it amounted to in my opinion, and I think that is how the Negro saw it.

Mr. TAVENNER. Where was the Communist suggestion that this so-called liberation movement should be and where should the new state be created?

Mrs. JEFFERS. I don't think they got that far. At least I have no knowledge of that. I do not think they made any kinds of suggestions. Of course, they name what they called a Black Belt in the South which has from 49 percent up of Negro population. I would say, then, the state would take in that territory.

Mr. SCHERER. Do we not have in evidence from previous witnesses of the Negro race diagrams and maps from the Communist Party's files itself showing how this segregated nation was supposed to be set up?

Mr. TAVENNER. Yes; a printed map of the United States with the characters indicated as drawn on the map. Has the witness ever seen it?

Mrs. JEFFERS. I may have, but I do not recall at this time.

Mr. SCHERER. It was introduced by a Negro witness who had been a member of the Communist Party and participated in that program as I recall.

Mr. TAVENNER. The testimony was that that should indicate an area which would be an independent country within the geographical area of the United States and would be self autonomous.

Mrs. JEFFERS. It seems to me that this is merely a way of segmenting a large nation. I think they have done this before in Eastern Europe. Then, those countries are united, or they were in Europe, united under the U. S. S. R. They were small, weak, and pretty soon they are in and they belong to you.

Mr. TAVENNER. In other words, it would be greatly to the interest of a foreign power if this country could be divided within itself.

Mrs. JEFFERS. Oh, yes.

Mr. TAVENNER. I understood you to say the Negro people would not fall for such a scheme.

Mrs. JEFFERS. Not at all.

Mr. TAVENNER. The Communist Party, as I understood you to say, was not satisfied with legitimately working for issues that the Negro people were interested in, but they had other purposes in mind. What did you mean by that?

Mrs. JEFFERS. Well, the liberation of the oppressed Negro nation would be one, and the growth of the party through Negro membership would be another; and, of course, the weakening of the whole United States would certainly be another, if a comparatively large segment were taken from it.

Mr. TAVENNER. Are you familiar with the writings of any Communist Party leaders on the work of the Communist Party within that group which would further indicate the motives of the Communist Party? I asked you to bring certain documents with you. I do not know if you have them with you or not.

Mrs. JEFFERS. I have them here. I have a pamphlet here, dated 1947, on the Communist position——

Mr. TAVENNER. Will you excuse me just a minute.

Mr. SCHERER. The committee will be in recess for about 5 minutes. (Brief recess taken.)

Mr. SCHERER. Will you proceed, Mr. Tavenner.

Mr. TAVENNER. Mrs. Jeffers, you have called to my attention some written material which you thought illustrated well what the Communist Party was attempting to do and how it was attempting to use the Negro people. Now, will you proceed and state to the committee what that written material is and quote from it anything that you desire to carry your point.

Mrs. JEFFERS. The two quotes which I will make are from a publication of the Communist Party——

Mr. TAVENNER. Excuse me a moment; your voice is not carrying.

Mrs. JEFFERS. It is the Communist publication published in 1947 called The Communist Position on the Negro Question.

It is a series of articles all related to the Communist position helping Negroes win their immediate gains as we have mentioned, but all leading to, and tied closely in with, an idea of national liberation.

This is a phrase which was much used. The first quote I will read is from an article by Edward Strong. He says:

That leads me to the point of examining the program of the Negro liberation movement in America, which at present is limited fundamentally to the specific immediate demands, whereas what is required is for us to raise the level of Negro liberation to qualitatively higher levels than what we see today. Otherwise we can go on endlessly winning gains; and for generations, ever since Reconstruction, we have talked about the gains we have made, gains which we promptly lost. We won gains here and lost them there. But the fact is——

and this, I think, is the crux——

that these gains constitute no threat basically to the capitalist system——

Mr. TAVENNER. Will you repeat that.

Mrs. JEFFERS (reading):

But the fact is that these gains——

referring earlier to anti-poll-tax legislation, fair employment, anti-lynching law, and that sort of thing—

constitute no threat basically to the capitalist system, and in my opinion it is essential for the liberation movement and the whole people's coalition movement in America to conceive of the struggles for Negroes' rights which fundamentally will lead the Negro people and liberation movement ultimately into head-on collision with our oppression.

Mr. TAVENNER. With what?

Mrs. JEFFERS. With our oppression. So I think that points out what the ultimate goal is. I have another from the same publication.

Mr. TAVENNER. I am not certain of the meaning of that last sentence; will you read it again please?

Mrs. JEFFERS. The last sentence reads:

But the fact is that these gains constitute no threat basically to the capitalist system, and in my opinion it is essential for the liberation movement and the whole people's coalition movement in America to conceive of the struggles for Negroes' rights which fundamentally will lead the Negro people and liberation movement ultimately into head-on collision with our oppression.

Mr. TAVENNER. Would you look at that last word; is it opposition or oppression?

Mrs. JEFFERS. We have a force here oppressing the Negro and we will lead them head on into this force, which, of course, is capitalism.

Another quote in the same publication is by William L. Patterson.

Mr. TAVENNER. He was the head of the Civil Rights Congress, was he not; or do you know? If you do not know, I will merely state it for the record that he was.

Mrs. JEFFERS (reading):

In the South the slogan for equal rights, used alone, obscures the revolutionary character of the Negro liberation movement. It becomes a tool of liberalism, guarantees no permanent gains, ultimately worsens the relations of poor whites and the Negro people, seriously weakens the Negro movement as an aid to the proletarian class struggle—

Mr. SCHERER. He is saying this about what? Is this about civil rights?

Mrs. JEFFERS. This is an article on Negro liberation and the national movement. Shall I read that again?

Mr. SCHERER. Yes.

Mrs. JEFFERS (reading):

In the South the slogan for equal rights, used alone, obscures the revolutionary character of the Negro liberation movement. It becomes a tool of liberalism, guarantees no permanent gains, ultimately worsens the relations of poor whites and the Negro people, seriously weakens the Negro movement as an aid to the proletarian class struggle—

This is why we need the Negro as an aid to the proletarian class struggle.

Mr. TAVENNER. So the ultimate aim of the Communist Party was merely to use the Negro people as its tool to accomplish its own purpose.

Mrs. JEFFERS. I think so. That is my opinion.

Mr. TAVENNER. You yourself are a Negro; are you not?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. We had a hearing before our committee in the early days of my connection with the committee, and we were astounded to learn that Paul Robeson had made a declaration to a

worldwide audience from a foreign country that, in the event of war between the United States and the Soviet Union, the Negro people would not support the cause of the United States. At that time the committee was so shocked that it felt it should give as broad an audience as possible to representatives of the Negro race who took a different view, and the first witness we called was Jackie Robinson—you may recall it—of the Brooklyn Dodgers. He testified at considerable length on that subject. Before stating what his conclusion on it was, let me have your view of Paul Robeson's statement.

Mrs. JEFFERS. I think that only a comparative handful of Negroes who are in the party supported his statement. The rest of the Negro population was aghast. This is contrary to the long history of the faithfulness, patriotism, of the Negro people, and they feel it is a tradition of their way.

Mr. TAVENNER. That was the view of Jackie Robinson, who expressed it a little differently, and it was the view of many prominent educators who are members of the Negro race. There has been nothing that this committee has found, in the course of its investigations over this country, that would indicate that your summation on that subject is in any sense wrong.

Mr. SCHERER. Have you finished, Mr. Tavenner?

Mr. TAVENNER. On that point; yes. When we got into the discussion of this subject, we were talking about mass organizations of the Communist Party. You told us of the mass organization you had been directed to work in, and I believe your testimony yesterday would bear the conclusion that that was the reason the Communist Party wanted you as a member because of your activity with that group. Of course, there were numerous other mass organizations, and I will want you to indicate all you can. Tell the committee all you remember about the assignment of different people to work in particular mass organizations, aside from the general duty that everyone had to work in such organizations. Rather than to try to pick them out, I believe the best thing for you to do would be to give the committee, at this time, a statement identifying all persons whom you personally know were members of the Professional Section of the Communist Party, and, in doing that, I have asked you to sit down and write out those names as nearly as you could remember them. As you give us the names, I would like for you to advise the committee all that you can now recall regarding their activities and their identification, and particularly as to those who had any special assignment in mass organization. It might help in doing that—I believe I asked you to break them down as well as you could as to what professions these people were in; so will you proceed, please?

Mrs. JEFFERS. I have broken them down into categories according to their work. The first category which I have listed is that of doctors. I have on my list, Dr. Evelyn Siris and Dr. Sol Bineman.

Mr. TAVENNER. Dr. Evelyn Siris and Dr. Sol Bineman.

Mrs. JEFFERS. I think that I was not familiar with their mass assignments.

Mr. TAVENNER. Both of them have testified here during the course of this hearing.

Do you recall, with regard to Dr. Bineman, whether meetings were held in his home?

Mrs. JEFFERS. I have attended meetings in his home.

Mr. TAVENNER. What type of meetings were they?

Mrs. JEFFERS. They were section meetings. I was not in a club group with him.

Mr. TAVENNER. That was a section meeting of the Professional Section?

Mrs. JEFFERS. That is correct.

Mr. TAVENNER. Interpreting that statement by your previous statement, that meant that he was a member of the section committee representing the doctors' cell; is that correct?

Mrs. JEFFERS. That is correct.

Mr. TAVENNER. And those meetings were held in his home?

Mrs. JEFFERS. Some of them were; not all.

Then, I have attorneys. Mr. Harold Sawyer, Mr. Hugh Miller, Mr. George Andersen.

Mr. TAVENNER. Excuse me now; you say Hugh Miller?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. All right; next?

Mrs. JEFFERS. Mr. George Andersen. Miss Hanna Wilber, Mr. Julius Keller and Mr. Charles Garry. I was not in a club with either of these last two. I was in clubs with their wives and knew from their conversations that their husbands were also Communist Party members. Mrs. Garry complained that her husband gave all her money to sustainers and would not give her enough.

Mr. TAVENNER. Do you recall Mrs. Garry's first name?

Mrs. JEFFERS. Louise.

Mr. TAVENNER. Will you state how you knew Mrs. Keller?

Mrs. JEFFERS. Mrs. Keller was a member of my club group.

Mr. TAVENNER. Can you tell us what her first name was?

Mrs. JEFFERS. I don't remember. She worked as a bookkeeper in a nightclub. I can't, at this moment. I don't recall. When she left her husband, we were informed in an executive session of our committee that we were to have no further contact with her because—what is the word when you take funds or stop the use of funds—

Mr. TAVENNER. Attach.

Mrs. JEFFERS. Yes; she had attached funds of her husband, part of which funds were part of Haymarket money.

Mr. TAVENNER. What kind of money?

Mrs. JEFFERS. The Haymarket Club's money.

Mr. TAVENNER. You mean of the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. So, in the attachment, she caught some of the Communist Party funds?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. What were you directed to do?

Mrs. JEFFERS. To have no further contact with her at all; not even to speak to her, if we should see her.

Mr. TAVENNER. Was that the equivalent of the expulsion of her?

Mrs. JEFFERS. Yes; I would say that that was the equivalent of expulsion.

Mr. TAVENNER. You have mentioned other lawyers, and you have explained fully as to Mr. Sawyer, who is president of your club. How did you know the others to be members of the Communist Party?

Mrs. JEFFERS. Mr. Miller was also president of our club at one time. Mr. Andersen was a member of the club before the lawyers set up a separate branch.

Mr. TAVENNER. Did you ever attend a meeting of the lawyers' cell of the Communist Party, which you called the Haymarket Club, after it was formed?

Mrs. JEFFERS. No.

Mr. TAVENNER. Did you ever attend a meeting of the doctors' cell after it was formed?

Mrs. JEFFERS. No.

Mr. TAVENNER. Up to this point, do you recall any special assignments given any of the persons whom you have identified?

Mrs. JEFFERS. I do not recall.

Mr. TAVENNER. All right; will you proceed, please.

Mrs. JEFFERS. That was all of the attorneys. Then, we come to teachers: Irene Miller; Ned Hanchett, who was assigned to the Teachers' Union.

Mr. TAVENNER. Stop there just a moment. What do you mean "assigned to the Teachers' Union"?

Mrs. JEFFERS. That was the organization in which he was working to influence their policies, perhaps legislation and so forth, pertaining to teachers. This was his mass assignment.

Mr. TAVENNER. Will you tell the committee at this point anything that you can recall regarding the activity of the Communist Party in the work of the American Federation of Teachers.

Mrs. JEFFERS. No, I do not, because at the time—I think at this time the club had already split and teachers were in one small cell, miscellaneous workers in another.

Mr. TAVENNER. The teachers at one time worked in a group of their own?

Mrs. JEFFERS. Yes. That was in the latter days of my membership in the party.

Mr. TAVENNER. Do you recall at any of the general meetings of your professional club whether or not any report was made of any character regarding the work that was being attempted?

Mrs. JEFFERS. I am sure that there were reports. This was required from time to time—progress—but I cannot recall any of the content.

Mr. TAVENNER. Did individuals who were assigned to mass organizations other than the Teachers' Union likewise make reports back to the parent organization of the work that they were doing?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Were those reports discussed?

Mrs. JEFFERS. They were discussed. You might get advice if a knotty problem had arisen in our organization. You might have a whole session on those as to what your attitude should be, what line you should take, and so on.

Mr. SCHERER. During all of this time, you were making reports regularly to the Federal Bureau of Investigation?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. The last name that you gave us was Hanchett.

Mrs. JEFFERS. Hanchett. The next one is Jane Scribner. She was not a doctor. She was a teacher then.

Mr. TAVENNER. What is she doing now?

Mrs. JEFFERS. Now, I think, she has her Ph. D. She was a bacteriologist.

Mr. TAVENNER. Spell her name, please.

Mrs. JEFFERS. S-c-r-i-b-n-e-r. She was interested in UOPWA.

Mr. TAVENNER. She was interested in what organization?

Mrs. JEFFERS. That is the Union of Office and Professional Workers of America. She was also interested in organizing technicians. I cannot give you any progress report on whatever was done about that, but I remember some discussion about her work in organizing it.

The next name is William Kerner.

Mr. TAVENNER. When you say reports, are you talking about reports made to Communist Party meetings?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Excuse me, you gave another name that I did not hear.

Mrs. JEFFERS. William Kerner.

Mr. TAVENNER. How do you spell that?

Mrs. JEFFERS. K-e-r-n-e-r. He was working with the American-Russian Institute and the California Labor School. He was an expert on Asian affairs. Mr. Jack Patten.

Mr. TAVENNER. Is that the Dr. Patten who testified here?

Mrs. JEFFERS. Yes; and a teacher whose name was Mort, but I don't know that I ever knew his last name.

Mr. TAVENNER. Do you know whether that was a nickname for Morton?

Mrs. JEFFERS. I could not tell you.

Mr. TAVENNER. All you know is Mort?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Proceed, please.

Mrs. JEFFERS. Mr. Thomas Hardwick. Miss Bea Melner.

Mr. TAVENNER. What is the profession?

Mrs. JEFFERS. These are all teachers. M-e-l-n-e-r.

Mr. TAVENNER. What is the spelling of her first name?

Mrs. JEFFERS. I imagine it must be Beatrice. We called her Bea. Jane Robinson was also a teacher.

Mr. TAVENNER. How do you know those people were members of this group?

Mrs. JEFFERS. I was in a branch with these people.

Mr. TAVENNER. What was the name after Bea Melner?

Mrs. JEFFERS. Jane Robinson. John Horowitz. That concludes the list of teachers.

Then we have two architects. Sydney Brisker, who was interested in AMVETS.

Mr. TAVENNER. How do you spell the last name?

Mrs. JEFFERS. B-r-i-s-k-e-r.

Mr. TAVENNER. What did you say he was?

Mrs. JEFFERS. Is there an organization AMVETS?

Mr. SCHERER. Yes; there is such an organization.

Mrs. JEFFERS. And Harold Dow; I do not recall his mass work.

Mr. SCHERER. Of course, let it be understood that your mentioning the AMVETS does not mean in any way that there was anything subversive about the AMVETS. I know you did not say that, but so

the record is abundantly clear, this particular architect's job was to be active within the AMVETS?

Mrs. JEFFERS. That is right.

Mr. TAVENNER. It should not be taken as a reflection on these organizations, because the Communist Party has endeavored to infiltrate every phase of our social form of life.

Mrs. JEFFERS. And I think these organizations were unaware that these members were members of the Communist Party.

Mr. SCHERER. You can be sure of that with the AMVETS.

Mrs. JEFFERS. We had three artists; Victor Arnautoff.

Mr. TAVENNER. Can you spell it?

Mrs. JEFFERS. A-r-n-a-u-t-o-f-f, I believe.

Mr. TAVENNER. He has been a witness, Mr. Chairman, before this committee at a previous hearing, but has refused to answer material questions on the grounds that to do so might tend to incriminate him.

Mr. SCHERER. I remember him very well.

Mrs. JEFFERS. Ray Burrell.

Mr. TAVENNER. Will you give us the spelling?

Mrs. JEFFERS. B-u-r-r-e-l-l, I think.

Mr. TAVENNER. Ray Burrell.

Mrs. JEFFERS. In the early days of my party membership I attended one meeting at the studio of Emmy Lou Packard.

Mr. TAVENNER. Give us the name again.

Mrs. JEFFERS. E-m-m-y L-o-u P-a-c-k-a-r-d.

Mr. TAVENNER. What was the identifying information that you gave regarding her?

Mrs. JEFFERS. I attended one meeting in her studio.

Mr. TAVENNER. Was she present?

Mrs. JEFFERS. I think so.

We had three clerical workers—Doris Kottnauer, Celia Wilby, and Peggy Patten.

We had one newspaper person to my knowledge, who was Jack Eshleman, and his mass work was the Newspaper Guild.

Mr. TAVENNER. Was he the witness on the stand this morning?

Mrs. JEFFERS. I was not present during his testimony. We had three musicians.

Mr. TAVENNER. Mr. Chairman, Celia Wilby was under subpoena, but due to a doctor's certificate the committee felt that she should be excused and she was excused. You may proceed.

Mrs. JEFFERS. Under musicians, we have Mary Burrell. Lev and Frances Shorr.

Mr. TAVENNER. Is the spelling "es" or "is"?

Mrs. JEFFERS. "es" I would judge.

Mr. TAVENNER. Are they husband and wife?

Mrs. JEFFERS. Yes, sir. We had one scientist whose name was Jack. His party dues were brought in by Dad [Isaac] Folkoff, and we knew him only by "Dad."

Mr. TAVENNER. How do you know that he was a scientist?

Mrs. JEFFERS. "Dad" said so.

Mr. TAVENNER. Did he ever attend a meeting?

Mrs. JEFFERS. He attended one meeting.

Mr. TAVENNER. To whom did Folkoff pay the dues for Jack?

Mrs. JEFFERS. I think he paid me.

Mr. TAVENNER. You say you think he did? Are you uncertain?

Mrs. JEFFERS. No; I am not.

Mr. TAVENNER. Why were the dues of this person by the name of Jack paid by Folkoff?

Mrs. JEFFERS. Apparently this was a very hush-hush man who did not want to attend meetings, but his dues were brought in and he was a member. There was no other reason for him to pay dues.

Mr. TAVENNER. Do you recall for how long a period of time dues were paid to you for this person?

Mrs. JEFFERS. For a year at least.

Mr. TAVENNER. Can you fix the approximate period of time when that occurred?

Mrs. JEFFERS. I would hesitate to do so.

Mr. TAVENNER. Was Folkoff a member of the professional group?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. I noticed you used the term "Dad" Folkoff. What was his real name?

Mrs. JEFFERS. His name was Isaac, but we called him Dad.

Mr. TAVENNER. Can you recall this person by the name of Jack well enough to give us any description of him?

Mrs. JEFFERS. I can't tell you whether he was blond or brunette. I can only tell you that he was the most unscientific person I ever saw, just a sloppy looking man, very silent.

Mr. TAVENNER. Very silent?

Mrs. JEFFERS. Yes; and not tall.

Mr. TAVENNER. What about the age range, as well as you can recall now? Was he a young man or an old man or middle aged man, or how would you describe him?

Mrs. JEFFERS. I would say he was a man in his early forties, possibly late thirties, but right in there.

Mr. TAVENNER. Was anything said about the character of work in which he was engaged?

Mrs. JEFFERS. No; only that he was a scientist. We had another, miscellaneous workers——

Mr. TAVENNER. Let me ask you, did you have an occasion at any time to become acquainted with members of the professional group of the Communist Party at Berkeley?

Mrs. JEFFERS. Never.

Mr. TAVENNER. All right.

Mrs. JEFFERS. We had a number of miscellaneous workers, one of whom was John Lindberg who was working with the CIO; Norman Canright.

Mr. TAVENNER. Spell the name.

Mrs. JEFFERS. C-a-n-r-i-g-h-t.

Isaac Folkoff, of whom you spoke; Dave Atkinson, who is deceased.

Mr. TAVENNER. What is the spelling of that name?

Mrs. JEFFERS. A-t-k-i-n-s-o-n. Laura Atkinson, his sister; Lillian Silver.

Mr. TAVENNER. What is the last name?

Mrs. JEFFERS. Silver. Vern Smith; Emerson Street.

Mr. TAVENNER. Do you know how Emerson Street was employed?

Mrs. JEFFERS. I think that he was in publicity or public relations. I think he prepared a brochure for us at one time as being a part of his normal work. Then, there was Decca Treuhaft. She was not a member of my group but she did give 1 or 2 educational contributions to our group, coming in from the county group, calling in with some things of importance.

Mr. TAVENNER. Was it the practice to have outsiders; that is, other Communist Party members who were not members of the professional cell of the Communist Party to come before your meeting?

Mrs. JEFFERS. We seldom invited them, but sometimes the county thought it was well to send a person around to every club when an important subject was in the air, to give an educational line, to inform the membership, and it was best to have this done by an expert rather than having it handled by a club member who was not fully familiar with the subject, and I think this is the way in which Mrs. Treuhaft came to us. Frances Watson.

Mr. TAVENNER. "is" or "es"?

Mrs. JEFFERS. "es" I would judge.

Mr. TAVENNER. It was a woman?

Mrs. JEFFERS. Yes; and she is in publicity or public relations, as you choose.

Ed Young, who was at one time chairman of our group. I do not know what his work was nor what his mass work was. If I did know it, I do not any longer recall it. That completes the list of miscellaneous workers. Now I have some housewives.

Mr. TAVENNER. What is your explanation as to how the housewives got into the professional group of the Communist Party?

Mrs. JEFFERS. If their husbands were professional people, for reasons of security their wives were not in an open group. Helen Miller.

Mr. TAVENNER. Whose wife was she?

Mrs. JEFFERS. Hugh Miller. Her mass work was League of Women Voters.

Mr. TAVENNER. Do you know whether she had been employed in Government service in the city of Washington?

Mrs. JEFFERS. I could not tell you. Louise Garry, whose mass work was Women's International League for Peace and Freedom.

Louise Bransten, whose mass work I do not know.

Mr. TAVENNER. What was the reason for Louise Bransten being a member of the Professional Section of the Communist Party?

Mrs. JEFFERS. This might be pure speculation on my part. She was not married at the time. She was an extremely wealthy woman and her family was wealthy, and that might be the reason.

Mr. TAVENNER. At least she was in a position to aid the Communist Party financially?

Mrs. JEFFERS. Yes; and did.

Mr. TAVENNER. And did?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Can you tell us anything more about that? I do not want you to rely on purely hearsay statements about it.

Mrs. JEFFERS. Perhaps I had better not say at all, because it would be hearsay.

Mr. TAVENNER. Did you ever attend a meeting in her home?

Mrs. JEFFERS. Yes.

Mr. SCHERER. A Communist Party meeting?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Louise Bransten was called before this committee in Washington quite a period of time ago. She refused to answer any material questions regarding contributions to the Communist Party or her membership in it, relying upon the provisions of the fifth amendment, claiming that to answer the questions might tend to incriminate her.

Mrs. JEFFERS. After Louise Bransten, Ann Glass, Lillian Gordon. I do not know of her mass work. She had a very sick baby over a period of years—Lillian Gordon.

Mr. TAVENNER. Whose wife was she? Was she married?

Mrs. JEFFERS. I know by hearsay, but I do not know by my own knowledge. Aline Pockman.

Mr. TAVENNER. How do you spell it?

Mrs. JEFFERS. I spell it A-l-i-n-e, but I do not know that that is right. That completes my list.

Mr. TAVENNER. Do you recall her husband's name?

Mrs. JEFFERS. Aline's?

Mr. TAVENNER. Yes.

Mrs. JEFFERS. Yes; Leonard Pockman.

Mr. TAVENNER. Leonard Pockman is the person you testified about yesterday as the one who came to you to investigate you before taking you into the Communist Party?

Mrs. JEFFERS. Yes.

Mr. TAVENNER. Mr. Chairman, Mr. Leonard Pockman was subpoenaed. For medical reasons, he was excused.

Is there anything else you could tell this committee that may be of help to it in connection with the activities of the Professional Section of the Communist Party in San Francisco?

Mrs. JEFFERS. At the moment, no.

Mr. SCHERER. Do you have any further questions?

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Mr. McIntosh, do you have any further questions?

Mr. MCINTOSH. No, sir.

Mr. SCHERER. The job of being an undercover agent for the Federal Bureau of Investigation is a difficult one and an unpleasant one. I know that many, many times you have been called by certain small segments of the population an informer, stool pigeon, and a perjurer. You have rendered a valuable service to the Government of the United States. Too many people do not appreciate that service. However, I think sometime in the near future, when the American people as a whole understand the nature of the Communist conspiracy and what it is trying to do—if it is any satisfaction to you—I think at that time they will fully appreciate the contribution which you and persons like you have made for your Government and the security of your Government. This committee wants to thank you for your assistance to it in these hearings. You are excused.

Mr. TAVENNER. Mr. Sydney H. Brisker.

Mr. MACK. I am an attorney representing Mr. Brisker, and I wish, before he appears before you, to object to his being called, to object to his being asked any questions on the following grounds.

Mr. SCHERER. Would you step up to the bench. Rule 7 of the committee, I think you are aware of it.

Mr. MACK. I have been engaged in colloquy with the other members sitting. I stated my objections to them which are to go on the record. The objections are that there is no quorum of the original subcommittee, and that there is no showing, so far as I know, although this is apparently not necessarily so in fact, that the new subcommittee appointed was not appointed in writing and that there are not both Democrats and Republicans as required by rule 25-A of the House of Representatives. I might say Mr. Scherer has explained to me the circumstances under which he overruled my objection.

Mr. SCHERER. Will you again call the witness.

Mr. TAVENNER. Mr. Sydney H. Brisker.

Mr. SCHERER. Will you raise your right hand, please? You do solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRISKER. I do.

**TESTIMONY OF SYDNEY H. BRISKER, ACCOMPANIED BY COUNSEL,
JULIAN MACK**

Mr. TAVENNER. Will you state your name, please, sir?

Mr. MACK. One moment, counsel, please.

Mr. BRISKER. Mr. Counsel, I would like to say that any question which I answer will be made under protest and will be subject to the objections that were raised by my attorney just previous to my being called.

Mr. TAVENNER. Will you state your name, please?

Mr. BRISKER. Sydney H. Brisker.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. MACK. My name is Julian Mack; I am a member of the California bar, practicing in San Francisco.

Mr. TAVENNER. When were you born?

Mr. BRISKER. March 30, 1914, Meadville, Pa.

Mr. TAVENNER. Where do you reside?

Mr. BRISKER. In the city of San Francisco.

Mr. TAVENNER. How long have you been a resident of California?

Mr. BRISKER. I have been a resident of California since 1945.

Mr. TAVENNER. Have you lived in the city of San Francisco continuously during that period?

Mr. BRISKER. No, sir; I lived in the city of San Francisco from the end of 1945 until the end of 1950, at which time I moved to the city of Los Angeles.

Mr. TAVENNER. You moved to Los Angeles in 1950?

Mr. BRISKER. That is right.

Mr. TAVENNER. When did you return to San Francisco?

Mr. BRISKER. I returned to San Francisco about 2 years ago.

Mr. TAVENNER. Did you live in Los Angeles from 1950 until about 2 years ago?

Mr. BRISKER. That is correct, sir.

Mr. TAVENNER. What is your profession or occupation?

Mr. BRISKER. I am an architect.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. BRISKER. I am a graduate of Dale University, bachelor of science degree in industrial engineering. I attended graduate school at Lehigh University. I studied architecture at Drexel Institute, Engineer School of Architecture and the University of Architecture.

Mr. TAVENNER. When did you complete your last work in that field?

Mr. BRISKER. My last work in that field was at the University of California in the spring of 1946.

Mr. TAVENNER. Will you tell the committee, please, if you know whether or not members of the Professional Section of the Communist Party in the city of San Francisco were expected to engage in Communist Party work in mass organizations?

Mr. BRISKER. Mr. Counsel, I will state that I am not a member of the Communist Party. I have no knowledge of the existence of a professional section of the Communist Party.

As to your particular question, I decline to answer that question on the ground of the first amendment, the due process and self-incriminating clauses of the fifth amendment, and the recent ruling in the Watkins case regarding jurisdiction.

Mr. SCHERER. Witness, did you say you have no knowledge of the existence of a professional cell in the Communist Party? Is that correct?

Mr. BRISKER. That is correct.

Mr. SCHERER. Do you mean you have no knowledge of the existence of a professional cell at this time? Is that what you mean?

Mr. BRISKER. That is correct.

Mr. SCHERER. Did you ever have knowledge of a professional cell of the Communist Party in the bay area?

Mr. BRISKER. I decline to answer that question on the same grounds previously stated.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. According to the Daily People's World of July 14, 1947, you were a delegate-at-large for the coming year to the American Veterans Committee. This article states that Norman Leonard, Dr. Asher Gordon, among others, were also delegates so named.

Is that correct? And if you desire to look at the document, I will be glad to hand it to you.

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of a professional cell of the Communist Party on July 14, 1947?

Mr. BRISKER. I decline to answer that question for the same previous reasons.

Mr. TAVENNER. Were you assigned to work within that organization by the Communist Party?

Mr. BRISKER. I decline to answer that question on the same grounds as previously stated.

Mr. TAVENNER. I have before me the Daily Worker of New York under date of November 1, 1948. The page is devoted to an advertisement entitled, "The Heroes of Yesterday Speak Up Today! World War II Vets Demand Dismissal of Indictments of 'The Twelve.'" It is a letter to President Truman and Attorney General Tom Clark. The first name appearing among a great number who

signed is that of Sydney H. Brisker, San Francisco, Calif. Will you examine it please and state whether or not you signed such a letter?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. On November 1, 1948, were you a member of a professional group of the Communist Party in San Francisco?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

I would like to state that I will not answer any questions regarding my past affiliations, memberships or associations.

Mr. SCHERER. May I ask you, Witness, were you in the room when the last witness, Dorothy Jeffers, testified?

Mr. BRISKER. I was, sir; yes, sir.

Mr. SCHERER. Did you hear her testimony, insofar as it concerned you?

Mr. BRISKER. I did, sir.

Mr. SCHERER. Is there anything that she told this committee, insofar as it related to you and your activities, which was untrue?

Mr. BRISKER. She stated that I was a member of the AMVETS, and that is not a true statement.

Mr. SCHERER. Was she telling the truth when she said that you were a Communist and a member of the professional cell of the Communist Party?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. I do not exactly remember her testimony as to whether she said you were a member of AMVETS. She may have said that. It was my understanding of her testimony that you were assigned as a member of a professional cell of the Communist Party to work in the AMVETS organization. I may be wrong, but that is my understanding of her testimony. I do not believe she said you were a member.

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. In light of your statement, I want you to examine again the document of July 14, 1947, in which you are stated to have been elected a delegate-at-large for the coming year in the AVC.

Mr. MACK. Counsel, I believe if you will call a 1-minute recess I might straighten you out on some facts.

Mr. SCHERER. I did not understand you.

Mr. MACK. If I might have colloquy with your counsel.

Mr. SCHERER. The committee will be in recess, as requested by counsel for the witness.

(Brief recess taken.)

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, counsel has very properly called my attention to the fact that the document which I handed the witness relates to the American Veterans Committee, and that is the document I described, whereas the testimony of Mrs. Jeffers had to deal with AMVETS, which is an entirely different organization.

The witness replied to your question a few moments ago that he had never been a member of AMVETS; is that correct?

Mr. BRISKER. That is correct.

Mr. TAVENNER. Have you been a member of the organization mentioned in the document which I produced, the American Veterans Committee?

Mr. BRISKER. I decline to answer the question on the grounds previously stated.

Mr. TAVENNER. Were you not elected a delegate along with the other persons I mentioned, Dr. Asher Gordon and at least one other person whose name I cannot recall, for the year beginning in July 1947?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you assigned by the professional cell of the Communist Party or by anyone in that party to work within the group known as the American Veterans Committee?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. You stated that you are not a member of the Communist Party now. Will you tell the committee, please, over how long a period prior to this date you have not been a member of the party?

Mr. BRISKER. I decline to answer the question on the grounds previously stated.

Mr. TAVENNER. You said you do not know of the existence at this time of a professional group of the Communist Party in San Francisco. Did you know of the existence of such a group during the year 1946 or at any time during that year?

Mr. BRISKER. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. So you will give the committee no information relating to the subject of its inquiry other than as to the present moment when you say you know nothing about it?

Mr. BRISKER. The same answer.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Do you have any questions?

Mr. McINTOSH. I have no questions.

Mr. SCHERER. Before the witness is excused, I want to make this statement: A number of attorneys who have appeared before this committee, representing witnesses at this particular committee hearing, have talked to me about the fact that there might be some possible reflection against them for having appeared as attorneys on behalf of some of the witnesses. I am making this statement at their request and I am happy to do so. There should be no reflection whatsoever cast upon any attorney who appears under the rules of this committee. A witness has the privilege of counsel.

We welcome counsel. Often it expedites the hearing to have a witness represented by counsel. I might say that it is the opinion of the committee, and I think I speak for Mr. McINTOSH, that the lawyers who have appeared so far in this hearing have conducted themselves in an exemplary manner and in full accord with the provisions of the law and have ably and conscientiously and properly represented their clients. I am happy to make that statement.

The witness is excused.

(Witness excused.)

Mr. SCHERER. The committee will recess until 1:30.

Will some of the witnesses who are subpoenaed for 2 o'clock this afternoon attempt to be here at 1:30 so we might expedite the hearing?

If you are not, of course, we will not proceed until 2 o'clock.

(Whereupon, at 12 noon, the committee recessed to reconvene at 1:30 p. m., the same day.)

AFTERNOON SESSION—FRIDAY, JUNE 21, 1957

Mr. SCHERER. The committee will be in session. Will you call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Charles R. Garry, will you come forward, please?

Mr. JAMES PURCELL. I am a member of the bars of the State of California and of the Supreme Court of the United States. I appear here for Mr. Garry, as his attorney, and I make a motion to quash the subpoena which has been heretofore issued and served upon him. I desire to propose for the record a motion to quash the subpoena heretofore served upon Mr. Garry upon the grounds that that subpoena was issued on the 9th day of May 1957, and, according to the statement of the gentleman who presided prior to yourself, the resolution authorizing this particular investigation and the resolution authorizing the investigation incidental thereto was moved and passed on the 18th day of May 1957; and upon the further ground that the committee which is now sitting is not the committee before which Mr. Garry was directed to appear, it being a different subcommittee; and upon the further ground that section 25-A of the Rules of the House provide that the subcommittee shall be made up of members of both parties, our information being that the members who are now sitting belong to the same party.

Mr. SCHERER. As you know, any legal objections are to be made to a court, and what you had to say is noted in the record at this hearing, and I am not in a position to overrule your objection because we have no such authority, and those objections will be made in the proper court at the proper time, if necessary. So, with that statement let us proceed.

Will the witness rise and be sworn? Do you solemnly swear that the testimony that you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GARRY. Yes; I do.

TESTIMONY OF CHARLES R. GARRY, ACCOMPANIED BY COUNSEL,
JAMES C. PURCELL

Mr. TAVENNER. Will you please state your name, age, and occupation?

Mr. GARRY. My name is Charles R. Garry, and I am an attorney at law, a member of the bar of the State of California, a member of the bar of the Supreme Court of the United States, age 48.

Mr. TAVENNER. How do you spell your last name?

Mr. GARRY. G-a-r-r-y.

Mr. TAVENNER. Mr. Purcell, I believe you should note your appearance for the benefit of the record.

Mr. PURCELL. Let the record show that I am appearing as an attorney for the witness.

My name is James C. Purcell. I am a member of the bar of the State of California, admitted to practice in all of the State courts of California; a member of the bar of the various Federal courts that sit in this jurisdiction; and a member of the bar of the Supreme Court of the United States.

Mr. GARRY. Before we start, Mr. Chairman, I wonder if someone would bring me some water, because I want to be able to articulate as best I can.

Mr. TAVENNER. How long have you been engaged in the practice of law in San Francisco, Mr. Garry?

Mr. GARRY. I was admitted to practice law in November 1938.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. GARRY. My formal education has not been very much, Mr. Tavenner. I have never been to college. I finished high school in 1929. I worked and ran a business, studied law during the depression, and was admitted to the practice of law in 1938.

Mr. TAVENNER. Mr. Garry, I have before me thermofax copies of various issues of the Daily People's World. It is noted from an article appearing on September 2, 1952, that you were at that time the president of the National Lawyers Guild and that at the same time Hugh B. Miller was the secretary.

I note, also, from an issue of the same paper dated August 28, 1953, that you were at that time president of the National Lawyers Guild, and another issue dated August 13, 1954, states you were president of the guild at that time. By president, I mean president of the local chapter of the National Lawyers Guild here in San Francisco. Is that substantially correct according to your recollection?

Mr. GARRY. Mr. Chairman, before I start answering any questions, I want to respectfully, if I may, as a member of the bar of this State, with all of the respect that I hold for hearing bodies, to make some substantial objections to this particular hearing. I am here under protest, Mr. Chairman. I want to incorporate what my attorney, Mr. Purcell, just stated to this committee.

Mr. TAVENNER. I think that is unnecessary. He has made his statement to the committee. It has been made a matter of record.

Mr. GARRY. I am not trying to be argumentative with you.

Mr. TAVENNER. I think I should ask you to answer the question.

Mr. GARRY. I will answer the question and I will not hesitate to answer it, but I want to protect my own record. You brought me in here under protest, and I want the record to show that this authority that you are asking questions of me at the present time is without legal foundation, and I am giving you my reasons for it.

I cannot state it any other way. Your question was, was I president of the National Lawyers Guild. Is that your question?

Mr. TAVENNER. No; if you were president of the local chapter in San Francisco.

Mr. GARRY. The chapter——

Mr. TAVENNER. Over the period that I mentioned.

Mr. GARRY. And you read from the Daily People's World; is that correct?

Mr. TAVENNER. Yes.

Mr. GARRY. Mr. Chairman, I don't know what period of time I was president of the National Lawyers Guild in this area or the San Francisco chapter. I resent very highly, sir, your picking out just the isolated newspaper, the Daily People's World, when probably the same account of that same period of time, the San Francisco Recorder, our legal paper, had the same announcement. I was the president for whatever period of time that you have official record of. I do not have my official records with me. Had you told me what you wanted to question me about, I would have brought my books and records, and I would be able to try to bring my diary, if I could, to see what I have done during that period. I was very proudly president of that Lawyers Guild and I am still an active member of the Lawyers Guild, if that will please you, sir.

Mr. SCHERER. Proceed to the next question.

Mr. TAVENNER. Have you held any other positions in the National Lawyers Guild?

Mr. GARRY. I might have. I do not recall. I have been a member since the day I started practicing law in 1938.

Mr. SCHERER. He said he might have, but he does not recall. Proceed to the next question.

Mr. TAVENNER. Will you tell the committee, please, if you know how many persons were members of the local chapter of the National Lawyers Guild who were members of the Professional Section of the Communist Party here in San Francisco during the period you held the office of which we have spoken?

Mr. GARRY. Mr. Chairman, I object to the jurisdiction of this body to ask a question like that, and I would at this time ask the pertinency of that question.

Mr. SCHERER. Mr. Tavenner, will you explain to him the pertinency of the question?

Mr. TAVENNER. Under the ruling in the Watson case——

Mr. GARRY. The name is Watkins. Let's get the record straight. The citation I have is 25 Law Week, page 3410.

Mr. SCHERER. Just a minute. Mr. Tavenner is explaining to you the pertinency——

Mr. GARRY. He is confused, and I am just trying to straighten him out so it will expedite the time of the committee.

Mr. TAVENNER. I think you have consumed a good bit of its time unnecessarily.

Under that decision I will endeavor to state what the subject and what the pertinency of the question is. The subject was read by the chairman in his opening statement here. We are endeavoring to, and we are inquiring at this time as to the activities of the Professional Section of the Communist Party here in San Francisco. That is, the committee desires to know the extent, character, and objects of the activities of that group. It desires to know that because it is considering important legislative changes relating to the Communist Party, possibly even to the extent of legislation outlawing the Communist Party itself—possibly that far. So much for the subject.

Now, as to the pertinency of the question to that subject and the committee's reasoning. As the decision says, it is connective reasoning of the question to the subject. The committee, in investigations con-

ducted in Chicago December 14, 1955, heard a witness by the name of Mortimer Riemer, who was the first executive secretary of the National Lawyers Guild. Mr. Riemer was called in connection with investigation that the committee was making into the infiltration of Communists into various agencies of the United States Government. Mr. Riemer, an attorney, testified that he became a member of the Communist Party in the city of New York. He named a number of attorneys who were in that group with him. He advised the committee of the activities of that group in an organization known as the Lawyers Security League of the City of New York, and how it developed into the formation of the National Lawyers Guild.

He testified that, at the first convention of the National Lawyers Guild in Washington, he and other members of the Communist Party, including Mr. Robert Silberstein, who later succeeded him as the secretary of the National Lawyers Guild, Joseph Brodsky, and Harry Sacher, and others met to determine the activities that should be exercised in that convention in the preparation of the slate for the election of its officers, including himself as its secretary. This committee, in Los Angeles, discovered that Mr. Silberstein, who succeeded him, met with the Communist Party group of lawyers in the National Lawyers Guild in Los Angeles to discuss this problem.

Mr. Riemer testified that he served as the executive secretary of that organization for a period of years until Ferdinand Pecora, of New York, raised the question of communism in that organization, and many people withdrew from it, including Mr. Pecora; and shortly after he retired from it. Through the assistance of Nathan Witt, Mr. Riemer procured a position with the National Labor Relations Board in Washington.

In the course of our hearings in Los Angeles, Mr. David Aaron, an attorney and a member of the National Lawyers Guild and a member of the Communist Party, the professional group in Los Angeles, testified before this committee that all of the members of his Communist Party group affiliated themselves with the National Lawyers Guild. The guild, he stated, was to be made as much as possible the legal arm to speak for and represent the Communist Party. We have heard testimony here, during the course of this hearing, that members of the legal group of the Communist Party are frequently taught in meetings of the Professional Section regarding their activities in the guild. So, I think that points up without further explanation why it is that this question is pertinent to the subject we are discussing. Now will you answer the question, please?

Mr. GARRY. Mr. Chairman, I want to raise a point of personal privilege, if I may.

Mr. SCHERER. I direct you to answer the question.

Mr. GARRY. Mr. Chairman, the Supreme Court of the United States only Monday in the Watkins decision——

Mr. SCHERER. We are familiar with the Watkins decision.

Mr. GARRY. I am glad you are, and I want to remind you that it said that a witness who had been brought up for the purpose of ridicule and exposure need not respond to this committee; and I charge you, Mr. Chairman, in your opening statements here Monday with making the following statements. May I read them to you?

Mr. SCHERER. No; you may not.

Will you proceed with the next question, Mr. Tavenner? He has had ample opportunity to answer.

Mr. GARRY. Do you refuse to let me answer that question?

Mr. SCHERER. I have given you an opportunity.

Mr. GARRY. No; you have not. You said to me the other day when I was sitting here in this hearing room, when you had me under subpena, that this "statement of the board of governors further complains that one of the lawyers was identified in the course of the proceedings as a Communist. Since when have lawyers who are Communists been immune from exposure or identification?" And I ask you, sir, did you bring me here for the purposes of exposure and identification? Are you in good faith when you ask me to come here? Not one single member of the committee contacted me to see if I was willing to be a witness here, whether I had any information to give you here. You did not do that.

Mr. McINTOSH. You are going to have an opportunity to answer that question, and you may dispose of it as you wish.

Mr. GARRY. Thank you, Mr. McIntosh. I appreciate your courtesy.

I would like to know if I will be permitted to state my own position in my own way, which I have gone over with counsel and counsel has advised me.

Mr. McINTOSH. You have taken a number of minutes now without acknowledging the question or declining to answer the question. I ask you if you wish to answer the question, please proceed.

Mr. GARRY. What I am asking, Mr. McIntosh, is an opportunity to state my full position in opposition to the jurisdiction of this committee. The Supreme Court has very clearly laid down—

Mr. SCHERER. Please, now.

Mr. GARRY. I thought I was talking to Mr. McIntosh. Are you interrupting me?

Mr. SCHERER. I certainly am.

Mr. GARRY. I am answering Mr. McIntosh. He has been a perfect gentleman throughout this entire hearing.

Mr. SCHERER. Without further direction, the police officers are ordered now and directed to remove any person whom they see violating the order of this committee by making a demonstration, either for or against a witness or for or against anything that may be developed by the committee. Will the police officers, without further order from me, when they notice any demonstration upon the part of any individual, remove him from the room.

I have directed you to answer the question. If you insist on making a speech and haranguing the committee and not answering the question, I am going to ask counsel to proceed to the next question.

Mr. GARRY. I am willing to answer that question, sir.

Mr. TAVENNER. Please do.

Mr. GARRY. Do you want counsel to answer the question or do you want me to answer the question?

Mr. TAVENNER. Please do.

Mr. GARRY. Mr. Chairman, I am going to decline to answer that question under advice of counsel, and I am going to state the reasons why. Now, will I be permitted to state my full and complete reasons,

or will I be interrupted from the reasons I am going to give? I am not going to make a speech.

Mr. TAVENNER. As long as you are not going to make a speech, and invoke your constitutional grounds, you have a perfect right to proceed.

Mr. GARRY. The grounds that I choose are going to be the grounds given to me by advice of counsel and not by the chairman of this committee. That is why I have employed counsel to be here.

I am taking advice from him and no one else in this matter.

The Supreme Court of the United States only Monday said it would be difficult to manage a less explicit authorization of the resolution of Congress than the one that this particular committee works on, and let me read the committee's resolution.

Mr. SCHERER. We are familiar with that resolution.

Mr. GARRY. Then, we will just incorporate that.

Mr. SCHERER. We will incorporate it into the record.¹

Mr. GARRY. "Who can define the meaning of 'un-American'?" says the Supreme Court. "What is that single, solitary 'principle of the form of government as guaranteed by our Constitution'?" There is no need to dwell on the language, however. At one time, perhaps, the resolution may have been read narrowly to confine the Committee to the subject of propaganda. The events that have transpired in the 15 years before the interrogation of the petitioner make such a construction impossible at this date.

"The members of the Committee have clearly demonstrated that they did not feel themselves restricted in any way to propaganda in the narrow sense of the word. Unquestionably the Committee conceived of its task in the grand view of its name. Un-American activities were its target, no matter how or where manifested. Notwithstanding the broad purview of the Committee's experience, the House of Representatives repeatedly approved its continuation. Five times it extended the life of the special committee. Then it made the group a standing committee of the House. A year later, the Committee charter was embodied in the Legislative Reorganization Act. On five occasions, at the beginning of sessions of Congress, it has made the authorizing resolution part of the rules of the House. On innumerable occasions it has passed appropriation bills to allow the Committee to continue its efforts.

"Combining the language of the resolution with the construction it has been given, it is evident that preliminary control of the Committee exercised by the House of Representatives is slight or nonexistent. No one could reasonably deduce from the charter the kind of investigation that the Committee was directed to make. As a result, we are asked to engage in a process of retroactive rationalization. Looking backward from the events that transpired, we are asked to uphold the Committee's actions unless it appears that they were clearly not authorized by the charter. As a corollary to this inverse approach, the Government urges that we must view the matter hospitably to the power of the Congress—that if there is any legislative purpose which might have been furthered by the kind of disclosure sought, the witness must be punished for withholding it.

¹ See page vi.

No doubt every reasonable indulgence of legality must be accorded to the actions of a coordinate branch of our Government. But such deference cannot yield to an unnecessary and unreasonable dissipation of precious constitutional freedoms.

"The Government contends that the public interest at the core of the investigations of the Un-American Activities Committee is the need by the Congress to be informed of efforts to overthrow the Government by force and violence so that adequate legislative safeguards can be erected. From this core, however, the Committee can radiate outward infinitely to any topic thought to be related in some way to armed insurrection. The outer reaches of this domain are known only by the content of 'un-American activities.' Remoteness of subject can be aggravated by a probe for a depth of detail even farther removed from any basis of legislative action. A third dimension is added when the investigators turn their attention to the past to collect minutiae on remote topics, on the hypothesis that the past may reflect upon the present.

"The consequences that flow from this situation are manifold. In the first place, a reviewing court is unable to make the kind of judgment made by the Court in *United States v. Rumley, supra*. The Committee is allowed, in essence, to define its own authority, to choose the direction and focus of its activities. In deciding what to do with the power that has been conferred upon them, members of the Committee may act pursuant to motives that seem to them to be the highest. Their decisions, nevertheless, can lead to ruthless exposure of private lives in order to gather data that is neither desired by the Congress nor useful to it. Yet, it is impossible in this circumstance, with constitutional freedoms in jeopardy, to declare that the Committee has ranged beyond the area committed to it by its parent assembly because the boundaries are so nebulous.

"More important and more fundamental than that, however, it insulates the House that has authorized the investigation from the witnesses who are subjected to the sanctions of compulsory process. There is a wide gulf between the responsibility for the use of investigative power and the actual exercise of that power. This is an especially vital consideration in assuring respect for constitutional liberties. Protected freedoms should not be placed in danger in the absence of a clear determination by the House or the Senate that a particular inquiry is justified by a specific legislative need.

"It is, of course, not the function of this Court to prescribe rigid rules for the Congress to follow in drafting resolutions establishing investigating committees. That is a matter peculiarly within the realm of the Legislature, and its decisions will be accepted by the courts up to the point where their own duty to enforce the constitutionally protected rights of individuals is affected. An excessively broad charter, like that of the House Un-American Activities Committee, places the courts in an untenable position if they are to strike a balance between the public need for a particular interrogation and the right of citizens to carry on their affairs free from unnecessary governmental interference. It is impossible in such a situation to ascertain whether any legislative purpose justifies the disclosures sought and, if so, the importance of that information to the Congress in furtherance of its legislative function. The reason no court can make the critical judg-

ment is that the House of Representatives itself has never made it. Only the legislative assembly initiating an investigation can assay the relative necessity of specific disclosures.

"Absence of the qualitative consideration of petitioner's questioning by the House of Representatives aggravates a serious problem, revealed in this case, in the relationship of congressional investigating committees and the witnesses who appear before them. Plainly these committees are restricted to the missions delegated to them, i. e., to acquire certain data to be used by the House or the Senate in coping with a problem that falls within its legislative sphere. No witness can be compelled to make disclosures on matters outside that area. This is a jurisdictional concept of pertinency drawn from the nature of a congressional committee's source of authority. It is not wholly different from nor unrelated to the element of pertinency embodied in the criminal statute under which petitioner was prosecuted. When the definition of jurisdictional pertinency is as uncertain and wavering as in the case of the Un-American Activities Committee, it becomes extremely difficult for the Committee to limit its inquiries to statutory pertinency.

"Since World War II, the Congress has practically abandoned its original practice of utilizing the coercive sanction of contempt proceedings at the bar of the House. The sanction there imposed is imprisonment by the House until the recalcitrant witness agrees to testify or disclose the matters sought, provided the incarceration does not extend beyond adjournment. The Congress has instead invoked the aid of the Federal judicial system in protecting itself against contumacious conduct. It has become customary to refer these matters to the United States Attorneys for prosecution."

Mr. TAVENNER. Under the criminal law?

Mr. GARRY. Under the criminal law; yes, sir. I am skipping. Now—"It is obvious that a person compelled to make this choice is entitled to have knowledge of the subject to which the interrogation is deemed pertinent. That knowledge must be available with the same degree of explicitness and clarity that the Due Process Clause requires in the expression of any element of a criminal offense. The 'vice of vagueness' must be avoided here as in all other crimes. There are several sources that can outline the 'question under inquiry' in such a way that the rules against vagueness are satisfied. The authorizing resolution, the remarks of the chairman or members of the Committee, or even the nature of the proceedings themselves might sometimes make the topic clear. This case demonstrates, however, that these sources often leave the matter in grave doubt."

Further digressing for a moment from the opinion of this court, and as part of my grounds for not answering, declining to answer this question, I wanted to refer to what this court said when it said "You can call upon the statements of the chairman, as well as other members of the Committee." The present acting chairman of this subcommittee, in a point of personal privilege, made it very abundantly clear that his aim and object was to expose lawyers in their beliefs and their conduct in the past which this particular body clearly—

Mr. SCHERER. May I interrupt just a moment.

Mr. GARRY. Yes; I am sorry, Mr. Scherer.

Mr. SCHERER. It was a criticism of lawyers like yourself and conduct of individuals like you before this committee that I was criticizing.

Mr. GARRY. I incorporate each and every word, each and every syllable in the Watkins case and make it a part of this record, and if the committee does not have it and they wish to make this as a Garry exhibit No. 1, I will be very happy to give you this document to make it part of the record.

Mr. SCHERER. So the record is clear; I again direct you to answer the question.

Mr. GARRY. I am answering it.

The second reason is that this committee came here specifically and purposefully to expose lawyers and members of the bar of this State, and I want to incorporate and make part of the record the entire statement of Mr. Scherer.

Mr. SCHERER. It is already a part of the record.

Mr. GARRY. And I want to make it a part of my answer at this time and incorporate the remarks that the chairman just made in reference to myself. The chairman, without taking any evidence about my integrity and my standing in the bar and in the community in which I reside, the relationship that I have to the members of the community itself and to the judiciary of this State, made remarks of his own without any opportunity to cross-examine the chairman, without the chairman being under oath, made certain factual statements which I would like to have the opportunity to have my attorney at this time cross-examine.

My third reason for declining to answer this question, in addition to that which I have already stated, I want to refer this body to the case of *Henry W. Grunewald, Petitioner v. United States of America*, sometimes commonly referred to as the Halperin decision.

Mr. SCHERER. I again direct you to desist from what you are obviously attempting to do and to answer the question.

I hope representatives of the State bar of California are observing this proceeding.

Mr. GARRY. Mr. Chairman, I am adopting—and I am not making a speech—I am adopting the language of the highest body of this country, language that I cannot possibly use myself. I do not have the intellectual learning that the Chief Justice of this country has. He has studied this and he has brought out an opinion which I think should be part of the milestone of this committee, and I say respectfully that I decline to answer the question under due process of law.

Mr. McINTOSH. If I may interrupt you at this point, it would be rather insolent for myself as an attorney and as a Member of Congress to allow you to, in effect, filibuster the Congress of the United States by reading into the record decisions of the Supreme Court of the United States which are available, and which are readily available, to you, to ourselves, and to the general public. If you wish to state your objections to answering questions asked by this committee, after it has passed its judgment as to the pertinency and as to the satisfactory explanation that has been made by counsel, I wish you would do it. If you wish to refer to legal cases, cite them by the usual procedure and not by reading the whole case into the record. If you want to raise

constitutional questions, please do them by reference. We have read the Constitution also. We are satisfied that we are here acting pursuant to the powers granted to us and under the direction of the Congress of the United States, of which we are both elected Members, responsible to rather large constituencies. In short, I am saying, since you were nice enough to refer to me as the "patient member" of this panel, I think our patience can be exhausted after a certain amount of reasonableness.

If you care to cite Supreme Court cases, cite them by name in the customary manner. If you just wish to decline to answer this, as an attorney, you recognize the position you put yourself in, so make your selection.

Mr. GARRY. May I ask you a question in a very friendly way? I am not trying to be facetious with you. If this committee is interested in my opinions, Mr. McIntosh, I would be very glad to give you my opinions.

Mr. SCHERER. I again direct you to answer the question before us.

Mr. GARRY. My second ground, Mr. Chairman, for declining to answer that question is under due-process clause of the fifth amendment and also the section of the fifth amendment which was recently enunciated in the Halperin decision; and bowing to Mr. McIntosh's deference, I will not read it, and I will not read it if it suffices.

Mr. SCHERER. You have properly invoked the fifth amendment.

Mr. GARRY. Mr. Chairman, I do not like to have you put words in my mouth. I want to answer these questions in my own way.

It is the fifth amendment, as well as the first amendment, and I want the full language of the Halperin decision incorporated and made a part of my record. May I do that, Mr. McIntosh?

Mr. SCHERER. No.

Mr. GARRY. Do you mean I cannot incorporate the language? I do not want to read it; I just want to incorporate it.

Mr. SCHERER. Mr. Counsel, I direct you to ask the witness the next question.

Mr. TAVENNER. Mr. Garry, it is noted that from your long recital from the Watkins case that you did not mention that part of the decision which has brought about your making the objection and asking for a statement of the pertinency. I think what you have said is certainly not complete without including that in the record.

Mr. GARRY. Thank you for calling my attention to it.

Mr. TAVENNER. I am sorry you overlooked it. It is on pages 33 to 34. It reads as follows:

It is the duty of the investigative body, upon objection of the witness on grounds of pertinency, to state for the record the subject under inquiry at that time and the manner in which the propounded questions are pertinent thereto. To be meaningful, the explanation must describe what the topic under inquiry is and the connective reasoning whereby the precise questions asked relate to it.

This we have endeavored to do.

You stated, Mr. Garry, that no effort was made to ascertain any information that you might have. Do you have the committee's subpoena in your pocket?

Mr. GARRY. No; I don't.

Mr. TAVENNER. Does your attorney have it? Do you have it available?

Mr. GARRY. Yes.

Mr. TAVENNER. May I see it?

Mr. GARRY. Yes; sure.

Mr. TAVENNER. Let the record show that I have been handed the subpoena issued on May 9, 1957, to Mr. Charles R. Garry, on the back of which is printed the following:

In the event you desire to contact a member of the committee staff prior to the date of your appearance before the committee, you may call William A. Wheeler, investigator, at Lambert 5-4648 (Fullerton), or write to 325 West Brookdale Place, Fullerton, Calif.

Mr. GARRY. Is that a question, sir?

Mr. TAVENNER. No, sir. It is just a statement for the record.

Were you a member of the Professional Section of the Communist Party in San Francisco at any time while you held an office in the National Lawyers Guild?

Mr. GARRY. Mr. Chairman, under advice of counsel, I am going to decline to answer that question for all of the reasons that I heretofore have stated without having to go through the whole thing over again; but, in addition thereto, I want to incorporate all of the language of the Chief Justice of the United States and all of the recent decisions that he has rendered in this field of free speech and free assembly, including the Watkins case, the Konigsberg case and other related cases, and the Sweezy case, and any other similar cases that might be involved here, as part of my reasons for declining to answer these questions.

Mr. TAVENNER. Mr. Garry, will you tell the committee, at least, what knowledge you have, if any, of Communist Party activities of an organized group of the Communist Party in San Francisco that we have been referring to as the lawyers branch of the Communist Party? By way of further explanation, let me say that that group has been identified by name as the Haymarket Club of the Communist Party.

Mr. GARRY. On advice of counsel, my answers are the same as they were heretofore given and for the same reasons.

Mr. TAVENNER. Will you tell the committee, please, in what way the professional group of the Communist Party, known as the Haymarket Club, composed of lawyers, endeavored to influence the public and the Congress in regard to the passage of the Mundt bill?

Mr. GARRY. Mr. Chairman, I would like to answer that question; but under advice of counsel, the best advice I can get is not to answer because this is not a forum for me to get into a debate on this discussion.

Mr. TAVENNER. It did not call for a debate. It called for a simple factual statement as to what the Communist Party did in connection with it.

Mr. GARRY. Mr. Chairman——

Mr. TAVENNER. I am asking for action and facts and not views or opinions.

Mr. GARRY. Mr. Chairman, if you were to ask me——

Mr. TAVENNER. I may add that many people oppose the adoption of such a bill. I am not criticizing the right of any person to oppose it. I want to know what the Communist Party did about it.

Mr. GARRY. Mr. Chairman, if you were to ask me what I thought about the Mundt bill and similar legislation, that the form of your

questions about the insinuations and the lack of proper cross-examinations and proper quorum, I cannot answer that. My attorney advises me to answer that question upon, or decline to answer that question upon all of the previous grounds that I have heretofore stated, each and every one of them.

Mr. TAVENNER. You spoke of insinuation. To what insinuation are you referring? You said because of my insinuation. I have not made any insinuation.

Mr. GARRY. My counsel advises me that that is an argumentative question and, unless I can be permitted to be just as argumentative, I am not to answer that question and get involved into a discussion with you; and I give all of the previous reasons for not answering that question.

Mr. TAVENNER. Did the professional group of the Communist Party, known as the Haymarket Club, composed solely of lawyers, take any action with regard to a bill that was pending in this State relating to test oaths for lawyers?

Mr. GARRY. Same answer.

Mr. SCHERER. Would you mind saying that you decline to answer for the same reasons, because it is not an answer, it is a declination to answer?

Mr. GARRY. I will incorporate your remarks as part of my answer.

Mr. TAVENNER. Where did you maintain your office on May 23, 1949?

Mr. GARRY. Under advice of counsel, my counsel tells me not to answer that question. Don't ask me where; I don't understand the question, and I am asked not to answer the question upon the constitutional ground that even an innocent person can be entrapped by answering questions that he should not answer.

Mr. SCHERER. I direct you to answer the question.

Mr. GARRY. And for all of the previous reasons.

Mr. TAVENNER. Was the headquarters of the Bar Committee Against Test Oaths for Lawyers in your office in 1949?

Mr. GARRY. Same answer.

Mr. SCHERER. I think you can use the proper form as a lawyer.

Mr. GARRY. I decline to answer for the reasons previously stated, sir.

Mr. TAVENNER. By my question, I am not meaning to imply or to insinuate that this committee is investigating any such bar committee. But I notice from the letterhead which bears the address of room 221, 68 Post Street, San Francisco 4, Calif., and also room 1110, 215 West Seventh Street, Los Angeles 14, Calif., that Charles R. Garry was one of the northern California section of that committee. With that explanation, will you answer the question as to whether or not that was your office, either of those places?

Mr. GARRY. Mr. Chairman, Charles R. Garry, over the period of his own lifetime, has stated his position openly and succinctly to the community; but upon the advice of counsel, I am advised and I will not answer any of these questions you are asking me for any and all of the reasons heretofore stated.

Mr. SCHERER. You say you have told the community your position on all questions. Had you advised the community of your member-

ship in the Communist Party at the time this organization had its headquarters in your office?

Mr. GARRY. Counsel advises me that the chairman is assuming facts not in evidence; and, secondly, I decline to answer for all of the reasons heretofore and previously stated.

Mr. SCHERER. Are my assumptions incorrect?

Mr. GARRY. I have already answered the question.

Mr. SCHERER. I direct you to answer the question.

Mr. GARRY. I direct you to my answers that I have heretofore given, and I restate them for each and every one of the single reasons, and I want to add one other reason, if I may, sir.

Mr. SCHERER. It is all right. You just decline to answer if my assumption is correct or incorrect.

Mr. GARRY. I want to refer to the Holy Bible, if I may, and the Book of Matthew.

Mr. McINTOSH. Within the realm of my previous comments, if you wish to refer to the Bible, you may do it by such ordinary terms of reference as are used.

Mr. GARRY. Can I give the title and the Scripture section?

I want to refer to Matthew 27, paragraph 11, through and including 14, just before paragraph 15 starts.

Mr. SCHERER. The Communists deny God and deny that Book; do they not?

Mr. GARRY. Mr. Chairman, you are now getting into the field of my religious beliefs. I am very proud to tell you, sir, that I happen to be a Christian. I happen to be a very happy church member and I resent any insinuation from you, Mr. Scherer, or anybody else like you.

Mr. SCHERER. I now direct you to answer my question. You injected the Bible into this hearing and cited it as an authority.

All I want to know is whether or not you do not know that the Communist denies God and denies that Book which you cited for your authority in refusing to answer a question. It is as simple as that.

Mr. GARRY. What the Communists do or do not do in relationship to their own god is their own business. What I do for my own God is my own and not yours.

Mr. SCHERER. There is still a direction to answer the question.

Mr. GARRY. I will decline to answer that question, Mr. Scherer—and excuse me for getting heated up about it, I should not—for all of the reasons heretofore stated, each and every one of them I incorporate in that answer.

Mr. SCHERER. I should be a little heated for your using the Bible in the way you did.

Mr. GARRY. I did not read the Bible. It is germane to this hearing.

Mr. TAVENNER. Mr. Garry, do you have any knowledge at the present time of the operations of the Haymarket Club of the Communist Party in San Francisco, composed of members of the legal profession?

Mr. GARRY. Upon advice of counsel, you are going to get the same answer, and I do give you the same answer.

Mr. TAVENNER. Are you a member of that group now?

Mr. GARRY. Same answer.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. Now, I direct you to answer the question, counselor.

Mr. GARRY. I thought I did answer it. I told you I gave the same answer. I declined to answer for each and every one of the former questions.

Mr. SCHERER. Again I point out, the reply should be: "I decline to answer for the same reasons."

Mr. GARRY. I am not as good a lawyer as you are. I decline or refuse or whatever language you want to use, I am intending to abide by the Halperin decision, the Watkins decision, the Konigsberg decision, and all of the decisions of the Supreme Court on these related matters, and the Constitution of the United States.

Mr. SCHERER. The same answer is not a declination to answer. A declination to answer is not an answer.

Mr. GARRY. I was not trying to define anything. I was trying to defer to Mr. McIntosh, who has been very, very decent, in not making or repeating all of my previous statements in actual wording. I was just trying to save the time of this committee, if the committee is interested in some of these conversations. I was not trying to short-cut or bypass anything.

Mr. SCHERER. Are there any further questions?

Mr. TAVENNER. No, sir; I have none.

Mr. PURCELL. May the witness be discharged?

Mr. SCHERER. Yes, sir.

The committee will recess.

(The witness in refusing his witness fee said:)

Mr. GARRY. I would suggest that that contribution be made to a very worthy cause.

Mr. TAVENNER. We will retain it to continue the fight against communism.

Mr. GARRY. Use it for any cause you wish.

Mr. TAVENNER. Yes, sir; we appreciate your contribution.

Mr. SCHERER. Mr. Wheeler, I direct that you obtain a copy of the tape recording of the last witness' testimony.

(Brief recess taken.)

Mr. SCHERER. The committee will reconvene.

Mr. DARWIN. May I, with your permission and indulgence, take perhaps 10 minutes or less, probably less, on a matter of personal privilege in connection with some matter that has come up?

Mr. SCHERER. Yes; counsel talked to me about you. I think under the rule you are entitled to that opportunity.

Mr. TAVENNER. State your name.

VOLUNTARY STATEMENT OF JAY A. DARWIN

Mr. DARWIN. Jay A. Darwin. I am an attorney at law, with the right to practice in the State of California and all of the State courts and Federal courts in this community.

I am also permitted to practice in the State of New York and in some of the Federal courts there, and I am admitted to practice, and have been before, the United States Supreme Court.

I appreciate the opportunity to come here in connection with a matter which touches me very deeply professionally, and—if that is not important enough, and that it is—economically.

On June 18, I was in this chamber when a witness called was asked with respect to whether or not she had ever been a member of the

CIO council. A minute later that same witness was asked whether or not she and her husband had ever been a member of, or on a committee working with, the CIO council.

A recess then occurred. I went over to Mr. Tavenner, introduced myself and I said, "Mr. Tavenner"—or words in substance—"I think it is very important that, as an attorney for the present State CIO council, I make known to you and through you to the committee, the significance of those questions, and the answers given."

I want to be perfectly plain, frank, and candid in saying that, in making the statement, I make no imputations as to witness or witnesses. The business of the witness and the committee is the business with the witness, but I did say to Mr. Tavenner that I felt that I ought to explain to him the significance, and I did. Then the recess was over.

The first thing I knew was, "Is Mr. Jay Darwin here?" and Mr. Jay Darwin did come up. I don't recall whether I asked to make a statement or whether it was to be in writing, but in any event I came up.

MR. TAVENNER. Let me interrupt you there. I understood you wanted to make an explanation to the committee. I asked the chairman if it would be all right, and he said it would be. That is the reason I gave you the opportunity. I certainly did not call you as a witness.

MR. DARWIN. I came up not as a witness, but to make a statement.

MR. SCHERER. As I understand it, you came up voluntarily.

MR. DARWIN. Yes, that is right; to make a statement just as I am making a statement now.

I then did say in the statement that, when a reference is made to the CIO council in connection with any question put to a witness, it was important—and again I say I draw no imputation as to the answer of a witness or the refusal to answer—but that it was important to draw the distinction between the State CIO council that I now represent and have represented since May of 1950 and that State CIO council which had existed prior to that time and in which I—and I say this proudly—had some part as a lawyer in litigation to have disestablished.

I made the point that the old CIO council—and when I say "old" I mean prior to 1950—had been disestablished and had had its charter revoked because that council did not comport to the policies, objectives, and purposes of the national CIO.

MR. SCHERER. May I interrupt you there? That action was taken because that union was, to some extent, infiltrated and dominated by Communists.

MR. DARWIN. That action was taken; whatever the reasons were, Mr. Scherer, I think is a matter of public record, and I simply want to say that it was not action within the policies and objectives and reasons for the existence of the national CIO.

MR. SCHERER. I think you did a good job at that time and I think the CIO and you are to be congratulated for what you did do at that time.

MR. DARWIN. I appreciate that, but this is not my hour of glory, and I am not facetious and I appreciate your observation, but this is rather serious with me, and I shall go ahead.

As was the case with another witness or with witnesses, when I stepped forward, photographs were taken of me; and in the Call-Bulletin of June 19, in all of its issues—and I now look at one on page 9, headed, “Bay Area Red Infiltration”—and there were photographs of six persons, with me in the middle.

Now, again, I want to say with due deference that I do not know and draw no conclusions by my lineup with other people, but I do say that, in view of my work in the community, in view of the unions that I have represented, in view of the unions I hope to represent—when I say “hope” I should make that with underline because I have already been subjected by telephone calls and by other means detrimentally by this lineup.

Not a word in the text concerning the matter about which I addressed your committee is contained on page 9, not a single, solitary word. If that headline was not bad enough, the final issue of the same Call-Bulletin lists the same photographs with me in the same spot—teachers, newsmen, attorneys, named as local cell members. Again, not a word of explanation as to why my photograph is there; and there is a story as to each of the other persons named.

Your chairman yesterday was good enough in the morning, I was told—I came in toward the tail end of the statement so I did not get it all—but he was good enough to make some remark and some observation and some statement in which I understand he deplored the kind of irresponsibility in journalism, of the Call-Bulletin, which would have placed me in that light and that position. I appreciate that.

I did not see one word in the Call-Bulletin of yesterday in any of its issues reflecting even a line of your chairman’s observations.

I think it is unfair, and I will put a stopwatch on myself for 3 or 4 minutes. I realize you have business to do, and I do not want to consume any more time, but I think it is important for you to know, and I do hope that the Call-Bulletin does something about it.

I say now that no matter what it does—and I say this very honestly without dramatics—no matter what it does, I cannot begin to think that the irreparable harm that those two publications have done to me can ever be corrected. The old matter of a photograph being worth a thousand words is applicable.

Now, I say you ought to know, Mr. Chairman, and other members of the committee, that in 1948 I was doing principally arbitration work, and I was sole arbitrator under a collective-bargaining agreement between the shipowners in this community—it was good work, remunerative, and at that point I was solicited by one of the maritime unions to engage in litigation with a leftwing Communist group which had sought to escape with that branch of maritime union on the west coast.

I gave an awful lot of consideration as to whether or not I would get into that litigation, in view of the fact that I had maintained a rather public position in many of the arbitration matters that had been referred by Federal and even State bodies, and, in one instance, the former chief judge of the ninth court of appeals, who is now deceased.

I plunged into that, having come to a conclusion that I wanted to get into that kind of work; and I will say that I take pride in it, that my efforts in litigation resulted in the saving of that maritime union;

and it is now a very responsible, respectable maritime union in the national.

In 1949, in October, in the Palmer House in Chicago, I was one of a group of four lawyers designated to rewrite the constitution of the national CIO and the laws governing its bodies, subsequent to that convention in Chicago, to oust such of the unions which were not abiding by the principles and policies and objectives of the national CIO.

It is now a matter of history as to what happened to some of those unions which did not abide by it.

From 1950 to 1952 in this very city, I did engage in litigation in another maritime field in connection with supplanting the maritime union which was not held to be conducting itself within the principles, policies, and objectives of the national CIO.

That is about all I want to say except this: I feel that my livelihood, and I say this again, will probably be definitely affected by this kind of reporting.

Mr. SCHERER. May I interrupt. The committee has been happy to give you this time in order that you might explain to as much of the public as possible what happened as the result of this unfortunate mistake upon the part of the newspaper.

I think perhaps we should end your statement here.

Mr. DARWIN. Yes; I was at a point of conclusion and I do appreciate the opportunity to have made this statement.

Mr. TAVENNER. Mr. Hugh Miller, will you come forward, please?

Mr. SCHERER. Will you raise your right hand. You do solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MILLER. I do.

TESTIMONY OF HUGH B. MILLER, ACCOMPANIED BY COUNSEL, JOHN R. GOLDEN

Mr. TAVENNER. Will you state your name please?

Mr. MILLER. My name is Hugh B. Miller.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. GOLDEN. My name is John R. Golden. I have an office at the Crockett Building in San Francisco. I am a member of the bar of the Supreme Court of the United States and a number of inferior courts.

Mr. TAVENNER. When and where were you born, Mr. Miller?

Mr. MILLER. Before I am asked questions, Mr. Counsel, I would like to make some objections to the power of this committee to proceed.

As I understand it, the two Representatives on this committee are Republicans. I happen to be a Democrat and have been for years. The committee rules, section 25-A, say that this committee should include majority and minority representation, which I understand should mean there should be two Democrats. I should like to object to the hearing's proceeding because the committee is not constituted with two Democrats.

Also, I would like to object on the grounds that there is no quorum here. Also, I would like to object because, since the rules require a

majority and minority representation, it is impossible for there to be any majority or minority with two people and, based on the rule 25-A of the House of Representatives, I object to this committee proceeding.

I further object to this committee proceeding on the grounds of the sixth amendment of the Constitution of the United States because my right to counsel is being abridged. I desire my counsel to be permitted to cross-examine, introduce evidence, and call witnesses.

I further object that under the sixth amendment I do not have the right to cross-examine any witnesses and my counsel has no opportunity to cross-examine witnesses.

I further object under the sixth amendment of the Constitution and I desire to have compulsory process to obtain witnesses.

I have witnesses I would like to call and, as I understand the rules of this committee, I am not permitted to call witnesses and I am not given any compulsory process which the sixth amendment of the Constitution of the United States provides me.

I further object to the committee proceeding under the grounds that the committee is acting illegally because it is illegally authorized by Congress.

It is authorized to investigate un-American propaganda, subversive and un-American activities; and the Supreme Court of the United States has just said in the Watkins case that these words are impossible to define legally and, therefore, the authorizing resolution is vague and uncertain and this committee and the authorizing resolution is illegal.

Therefore, this committee is acting illegally. The Supreme Court said it would be difficult to imagine a less explicit authorizing resolution.

I further desire to object to this committee continuing these hearings, and particularly with me, because its methods are illegal. The methods have already been said to be illegal by the Supreme Court of the United States in the Watkins case. They said:

It is only those investigations that are conducted by use of compulsory process that give rise to a need to protect the rights of individuals against illegal encroachment.

The Supreme Court has said very clearly:

An investigation is subject to the command that Congress shall make no law abridging freedom of speech or press or assembly.

That is a quote from the Watkins.

The Watkins case says:

The mere summoning of a witness and compelling him to testify against his will, about his beliefs, expressions, or associations—

And I call your attention to the word “associations”—

is a measure of governmental interference. And when those forced revelations concern matters that are unorthodox, unpopular, or even hateful to the general public, the reaction in the life of the witness may be disastrous—

as you have just heard from the preceding witness—

This effect is even more harsh when it is part beliefs, expressions, or associations that are disclosed and judged by current standards rather than those contemporary with the matters exposed. Nor does the witness alone suffer the consequences. Those who are identified by witnesses and thereby placed in the same glare of publicity are equally subject to public stigmas, scorn, and obloquy. Beyond that, there is the more subtle and immeasurable effect—

Mr. McINTOSH. I should like to ask you a question.

Mr. MILLER. May I complete my sentence?

Mr. McINTOSH. I would like to draw your attention to the fact that the decision has been rendered almost in toto; and if you have any objections or comments that cannot be covered by reference to the case we would be pleased to hear them; otherwise, we would prefer, in the interest of hurrying along, to proceed.

Mr. MILLER. I had almost finished.

Mr. SCHERER. Now, I direct you to answer the question.

Mr. TAVENNER. I started to ask the witness to give his name.

Mr. MILLER. My name is Hugh B. Miller.

Mr. TAVENNER. I believe counsel did identify himself for the record.

Mr. GOLDEN. Yes.

Mr. TAVENNER. I believe my question was, When and where were you born?

Mr. MILLER. I was born in San Francisco, Calif., as were my father and mother.

Mr. TAVENNER. When were you born?

Mr. MILLER. December 22, 1911.

Mr. TAVENNER. Where do you now reside?

Mr. MILLER. I now reside at 355 West Phillip Way.

Mr. TAVENNER. What is your profession?

Mr. MILLER. I am an attorney.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. MILLER. Well, I went 8 years to Laguna School, which is on Seventh Avenue between Irving and——

Mr. TAVENNER. You know we are not interested in the location of the school in that minutiae. Where did you go to college?

Mr. MILLER. I went to Stanford University; I went to the University of San Francisco. I received an A. B. degree from Stanford and LL. B. from the University of San Francisco.

Mr. TAVENNER. When did you receive your LL. B.?

Mr. MILLER. 1937.

Mr. TAVENNER. Will you tell the committee please, what your work record has been, briefly, since 1937?

Mr. MILLER. I don't understand.

Mr. TAVENNER. Prior to your beginning the practice of law in San Francisco.

Mr. MILLER. I don't understand the question: my work record?

Mr. TAVENNER. When did you begin the practice of law in San Francisco?

Mr. MILLER. In San Francisco itself?

Mr. TAVENNER. Yes.

Mr. MILLER. 1945.

Mr. TAVENNER. Did you practice law in California at any other place prior to 1945?

Mr. MILLER. No; I did not. Pardon me. I was an employee of the United States Government prior to 1945 as an attorney.

Mr. TAVENNER. Where were you located during that period of time?

Mr. MILLER. In Washington, D. C.

Mr. TAVENNER. What was the beginning of your employment and the date and the end of your employment with the Government?

Mr. MILLER. The beginning was in about September or October of 1937. I was enlisted in the Army in 1942, and I am not certain of the date when my technical—date when my employment with the Government ended.

Mr. TAVENNER. But roughly it would be from 1937 to 1942 and then for a period after your discharge from the armed services?

Mr. MILLER. I never went back to the Government to work after I was discharged from the armed services.

Mr. TAVENNER. What was the approximate date of your discharge?

Mr. MILLER. When my dismissal or resignation or whatever it was—it was a resignation—from the Government took place, I don't remember.

Mr. TAVENNER. My question is, When were you discharged from the Army?

Mr. MILLER. December 14, 1944.

Mr. TAVENNER. Then you were employed by the Government from 1937 up to 1942?

Mr. MILLER. I was paid a minimum salary by the Army.

Mr. TAVENNER. We do not generally refer to service in the Armed Forces as Government employment.

Mr. MILLER. I would not refer to it that way either.

Mr. TAVENNER. Well, you have.

Mr. MILLER. I was a private.

Mr. TAVENNER. You have referred to it that way.

What was the nature of your employment by the Government, from 1937 to 1942?

Mr. MILLER. I was an attorney.

Mr. TAVENNER. In what agency of the Government?

Mr. MILLER. In the Department of the Interior.

Mr. TAVENNER. Was that during your entire employment?

Mr. MILLER. That is correct; except for the Army service.

Mr. TAVENNER. Did you have a title in connection with your legal work?

Mr. MILLER. Several.

Mr. TAVENNER. Tell us what they were, please.

Mr. MILLER. I don't remember. They were attributes of attorney, associate attorney, something-or-other attorney, depending on the various ways that the Interior Department designated me when I received an increase in pay or a promotion of some kind.

Mr. TAVENNER. What was the general nature of the work that you were engaged in, just very briefly.

Mr. MILLER. I handled hearings in the Department of the Interior concerning, mainly, coal.

Mr. TAVENNER. I hand you a photostatic copy of an affidavit bearing date May 22, 1941, purportedly signed by Hugh B. Miller. Will you examine it please and state whether or not it is your affidavit?

Mr. MILLER. The signature appears to be mine, but I have no recollection whatsoever of the affidavit.

Mr. TAVENNER. The affidavit begins, "I, the undersigned, Hugh B. Miller, depose and say"—there are various paragraphs described by number—paragraph number 2 is: "I am not, and never have been, a

Communist, a Nazi, a Fascist, or a member of any party other than the Republican or Democratic Parties."

Do you recall that phase of the affidavit?

Mr. MILLER. No; I do not.

Mr. TAVENNER. You stated that it appears to be your signature. Was it a truthful statement as of May 22, 1941?

Mr. MILLER. I do not recall making such a statement.

Mr. TAVENNER. I say, was it true as of May 22, 1941?

Mr. MILLER. I believe that this question, Mr. Tavenner, is in violation of the Watkins decision, in that it is an attempt to dig into past associations or expressions of mine.

The Watkins decision says that you can't dig into those matters and it is illegal for you to do so and that I may invoke the first amendment with respect to this, so I refuse to answer.

Mr. TAVENNER. Mr. Chairman, may I have a direction that the witness answer the question?

Mr. SCHERER. Witness, you are directed to answer the question.

Mr. MILLER. Do I understand, despite the fact that Watkins case says I may invoke the first amendment as a reason for the first amendment, you still order me to answer?

Mr. SCHERER. I do; under the circumstances.

Mr. MILLER. In that case, in addition to the Watkins case, I have already pointed out that this committee is illegally constituted and I refuse to answer on that ground, that it is illegal, and I refuse to answer on that ground, and I also refuse to answer because there is an amendment in the Constitution which protects citizens against illegal and tyrannical Government hearings and I stand on that ground.

Mr. SCHERER. Do you stand on the self-incrimination provision?

Mr. MILLER. I have already made my statement.

Mr. SCHERER. I direct you to answer my question as to whether or not you stand on that part of the fifth amendment which involves self-incrimination.

Mr. MILLER. I refuse to answer your direction, Mr. Scherer, on the ground that this is an illegal committee, illegally constituted, pursuing an illegal method, asking illegal questions, and under the first amendment and under the fifth amendment of the Constitution, and I particularly refer you to the Watkins decision and the due processes of the fifth amendment of the Constitution.

But I am standing on the whole of that amendment.

Mr. SCHERER. That is what I wanted to know.

Mr. TAVENNER. I desire to offer the affidavit in evidence and ask that it be marked "Miller Exhibit No. 1."

Mr. SCHERER. It is so received and so marked.

(Document marked "Miller Exhibit No. 1," retained in committee files.)

Mr. MILLER. I would like to offer the rules of this committee in evidence. These are the rules that prevent me from having my counsel speak up and are in violation of the sixth amendment of the Constitution.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Miller, were you a member of the Communist Party on the 22d day of May 1941?

Mr. MILLER. I decline to answer that on the same grounds which I previously stated.

Mr. TAVENNER. I have before me, Mr. Miller, a photostatic copy of an excerpt from the Washington Evening Star of December 17, 1940, page B18, the title of which is, "Meeting Called To Push U. S. Workers' Interests," and I read it as follows:

"Remedies for the protection of Federal workers against further infringement of their personal and civil liberties" will be sought at a mass meeting at 8:15 p. m. tomorrow at the Burlington Hotel, under auspices of the Washington Committee for Democratic Action. Hugh Miller, chairman of the committee, said some Federal agencies "are appropriating to themselves the authority and technique of an inquisition," that the Federal Bureau of Investigation has been accused of functioning as a "secret police"—

and so forth.

I hand you the document and ask you to examine it and refresh your recollection as to whether or not you were the chairman of the organization which I referred to, Washington Committee for Democratic Action.

Mr. MILLER. This says, "Hugh Miller, chairman of the committee, said some Federal agencies 'are appropriating to themselves the authority and technique of an inquisition', that the Federal Bureau of Investigation has been accused of functioning as a 'secret police' to spy on Government workers, and some employees in defense agencies have had the 'most intimate details' of their private lives delved into."

* * * * *

Mr. TAVENNER. Were you chairman of the Washington Committee for Democratic Action on the date of the Washington Evening Star article, which I mentioned is December 17, 1940?

Mr. MILLER. December 17, 1940?

Mr. TAVENNER. Yes.

Mr. MILLER. I refuse to answer that question on the grounds of the first amendment, as I have already expressed it under the Watkins decision, and upon the ground of my objections to the committee proceeding with this hearing.

Mr. SCHERER. I believe you said, Witness, that you subscribe to the language attributed to you in this article with reference to the Federal Bureau of Investigation.

Mr. MILLER. Yes; at that time I believed the Federal Bureau of Investigation was delving into people's private lives, their marital affairs, anything they could get on them.

Mr. SCHERER. Investigating Communists as they are today?

Mr. MILLER. They were investigating anything they wanted to investigate and they investigated some pretty shabby things.

Mr. SCHERER. Do you feel the same way about the Federal Bureau of Investigation as you do about this committee?

Mr. MILLER. I do not say that my feelings are the same about the Federal Bureau of Investigation now as they were in 1940. You are going back 17 years now, and I have been through a war since then.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Miller Exhibit No. 2."

Mr. SCHERER. It may be so marked and received.

(Document marked "Miller Exhibit No. 2," retained in committee files.)

Mr. TAVENNER. Mr. Miller, during the course of the committee's investigation of Communist infiltration of Government, which began on December 13, 1955, in Chicago, Prof. Herbert Fuchs appeared as one of the witnesses.

Professor Fuchs was the head of several party groups in the city of Washington. He described fraction meetings of representatives from approximately 10 Communist party cells in Government.

In the course of his testimony, he made reference to the Washington Committee for Democratic Action. My question was this:

The committee's investigation has shown that there was published in a December 1940 issue of the Washington Star newspaper an advertisement regarding a mass meeting of the Washington Committee for Democratic Action, which was to be held in Washington for the purpose of condemning the Government loyalty program. This advertisement announced that a committee had been appointed on that matter, and that the committee consisted, among others, of these persons: Arthur Stein, Helen Miller, Edward Scheunemann, Eleanor Nelson, and yourself—

Meaning Professor Fuchs.

Were you acquainted with Arthur Stein?

Mr. MILLER. I refuse to answer that question under the ground of the first amendment and its interpretation by the Watkins case which says, questions into my associations in the past, particularly one that was in 1942 or something, is illegal.

Mr. TAVENNER. May I have a direction that the witness answer?

Mr. SCHERER. Yes. Witness, you are directed to answer.

Mr. MILLER. Despite the fact that the Watkins case says I may plead the first amendment against infringement of my protection of law, do you still order me to answer?

Mr. SCHERER. You have heard my direction.

Mr. MILLER. I refuse to answer under the amendment to the Constitution which protects every citizen of this country against illegal and tyrannical acts of a governmental body, which is the fifth amendment.

Mr. SCHERER. Did you add the fifth there?

Mr. MILLER. I said, "Which is the fifth amendment."

Mr. TAVENNER. Were you acquainted with Eleanor Nelson?

Mr. MILLER. Same answer.

Mr. SCHERER. The witness, I think, is a member of the bar and should reply properly that he declines to answer for the same reason.

Mr. MILLER. I decline to answer for reasons previously expressed.

Mr. TAVENNER. I asked this question of Professor Fuchs:

Was the Washington Committee for Democratic Action one of the mass organizations in which you did become interested and take an active part?

And his answer was, "Yes."

Mr. TAVENNER. Was not one of the purposes of that meeting to launch a movement for the protection of members of the Communist Party who had been employed by and then expelled from Government employment?

His answer was:

I don't know if I can answer that. I should suppose that objectively the answer should be "yes." That is to say, the activities of the group centered on protection of people or the attempt to protect people who had been discharged for communism.

According to that testimony, the picture in the Government cells in Washington was that the Communist Party was assigning its mem-

bers for particular work in mass organizations, and here is one created for a special purpose.

Let me ask you whether or not, after you came to California and became a member of the bar of San Francisco and engaged in the practice of law, you became aware that here there was an organized group of members of the legal profession, a secret group which assigned members to work in different mass organizations.

Mr. MILLER. This is an illegal method of questioning, and it is prescribed by the Watkins case, which says that I may refuse to answer on the grounds of the first amendment, and I do so.

Mr. SCHERER. I direct that you answer the question.

Mr. MILLER. You direct me to answer despite the fact that the Watkins case says I may refuse to answer under the first amendment?

Mr. SCHERER. I direct you to answer.

Mr. MILLER. I refuse to answer the question on the grounds previously expressed, including the amendment to the Constitution that protects citizens of this country against the acts of illegal and tyrannical committees, the fifth amendment.

Mr. TAVENNER. Are you a member of a professional group of the Communist Party in San Francisco at this time, composed exclusively of lawyers?

Mr. MILLER. I am not a member of the Communist Party.

Mr. TAVENNER. Do you have any knowledge at this time of the activities of a group which has been described as the Haymarket Club of the Communist Party, consisting of members of the legal profession?

Mr. MILLER. I refuse to answer that question under the Watkins case which says that this line of questioning is illegal and says that I may refuse to answer on the grounds of the first amendment.

Mr. SCHERER. I direct the witness to answer the question.

Mr. MILLER. Having been directed to answer in violation of the Watkins ruling, I refuse to answer on the grounds previously stated.

Mr. SCHERER. You said you were not a member of the Communist Party now. Were you a member last month, of the Communist Party?

Mr. MILLER. I was not a member of the Communist Party last month or the month before that or the year before that, and I can so testify; but I am not going to so testify because you can't delve into people's associations, and I will refuse to answer your question under the grounds of the Watkins case because you are trying to use an illegal method of questioning.

Mr. SCHERER. You said you were not a member of the Communist Party now or last month or last year. Were you a member of the Communist Party in 1954?

Mr. MILLER. I refuse to answer.

Mr. SCHERER. Were you a member of the Communist Party in 1955?

Mr. MILLER. My answer is the same.

Mr. SCHERER. You refuse to answer the question.

Were you a member of the Communist Party in 1956?

Mr. MILLER. I have already answered that question.

Mr. SCHERER. Well, it is not clear; will you answer it again?

Mr. MILLER. I have already told you that I would refuse to answer questions that attempt to delve into my associations because they are

illegal methods of questioning which has been described by the Supreme Court of the United States in the Watkins case in which this committee was chastised because of the way it asked questions, and I refuse to answer on the grounds of the Watkins case and the first amendment.

Mr. SCHERER. I direct you to answer the question whether you were a member of the Communist Party in 1954.

Mr. McINTOSH. As an attorney, if you feel that the Watkins case applies to the question or the explanation given to you under direction of this committee you may refuse on the basis of that decision if you feel it applies.

Mr. MILLER. I feel it applies all right, but I would rather let somebody test out the committee on another case.

Do you realize it costs between \$10,000 and \$20,000 to fight the FBI and the Justice Department in one of these cases?

Mr. McINTOSH. What is your decision as to why you refuse to answer, or do you care to say?

Mr. GOLDEN. I am sorry; I distracted his attention.

Mr. McINTOSH. You were directed to answer the question as to whether or not you were a member of the Communist Party in 1956.

Mr. MILLER. Are you directing me to answer?

Mr. McINTOSH. You had previously been directed to answer that.

Mr. MILLER. I refused to answer that question and I refuse to answer at the present time because this committee is illegally constituted, it is in violation of its own rules, and the House of Representatives and its resolution authorizing it; and I refuse to answer it under the Watkins case and the first amendment; and I refuse to answer it because of the persistence of this committee, I believe, to be a tyrannical effort of an illegal committee to force me to answer, and the fifth amendment protects me from having to answer such acts.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Miller, you stated that you are not now a member of the Communist Party, but when I asked you whether or not you had knowledge of a Communist Party cell composed of lawyers you refused to answer because to do so might tend to incriminate you.

Mr. MILLER. I did not say it would tend to incriminate me.

Mr. TAVENNER. You said the fifth amendment, which means that.

Mr. MILLER. No; it does not mean that.

Mr. TAVENNER. Did you mean something else?

Mr. MILLER. I meant what the fifth amendment means as interpreted by the Supreme Court of the United States.

Mr. TAVENNER. Were you claiming that you had a right to decline or refuse to answer that question on the grounds that to do so might tend to incriminate you?

Mr. MILLER. I decline to answer that question.

Mr. TAVENNER. Then I will ask you the question over again so there can be no doubt as to what your answer is or the grounds of your refusal in the event that you fail to answer.

Do you now know of the existence of an organized group of the Communist Party composed of lawyers and known as a professional cell of the Communist Party here in San Francisco?

Mr. MILLER. I decline to answer that question on the grounds of the first amendment as it is interpreted by the Watkins case, to wit, that it is an illegal question put by an illegal committee.

Mr. SCHERER. I direct you to answer the question.

Mr. MILLER. Since you direct me to answer it despite the Watkins case, I decline to answer that question on the grounds of the fifth amendment to the Constitution of the United States.

Mr. SCHERER. Next question, Mr. Tavenner.

Mr. TAVENNER. Do you honestly believe that to answer that question might tend to incriminate you when you have told the committee that you are not now a member of the Communist Party?

Mr. MILLER. I believe that in light of the stated purposes of this committee that any question answered by anybody before this committee might tend to incriminate that person.

I believe that concerning myself.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. The witness is excused.

(The witness was excused.)

Mr. TAVENNER. Mrs. Jane Castellanos.

Mr. COLLINS. Before my client appears, she requests that she not be broadcast on the television and also on the radio. Mr. Scherer, may I have your assurance she will not be televised?

Mr. SCHERER. Talk a little louder; I did not hear you.

Mr. COLLINS. Before I ask my client to appear, she has asked that no telecasting be made of her or approaching the chair she will occupy, to leave, and not broadcast.

Mr. SCHERER. As far as television is concerned the request is granted and the television cameras will not photograph the witness at any time.

Will you raise your right hand, please?

Do you solemnly swear that the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. CASTELLANOS. I do.

TESTIMONY OF MRS. JANE ROBINSON CASTELLANOS, ACCOMPANIED BY COUNSEL, WAYNE COLLINS

Mr. TAVENNER. State your name, please.

Mrs. CASTELLANOS. Jane Castellanos.

Mr. TAVENNER. Spell your last name, please.

Mrs. CASTELLANOS. C-a-s-t-e-l-l-a-n-o-s.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. COLLINS. Wayne Collins. I am a member of the California State bar and a member of the United States Supreme Court.

Mr. TAVENNER. Where were you born, Mrs. Castellanos?

Mr. COLLINS. Just a moment. Before the witness is questioned, we have an objection as to the jurisdiction of this proceeding and the jurisdiction of this committee to proceed and, if I may make that objection, I should like to make it on behalf of the witness.

If you insist that the witness make that objection, then she will be required so to do.

Mr. SCHERER. Would you read the objection into the record?

Mr. COLLINS. I do object to making the objection secretly at a public hearing. If any portion of this hearing is to be held in secret, we raise that objection here and now.

Mr. SCHERER. It is not in secret. You are giving it to the reporter for the record.

I must insist that you comply with rule 7 of the committee which prevents you from making such an objection. You will have to make it through your witness.

Mr. COLLINS. Rule 7, as I understand the rules of procedure for this committee, does not preclude a witness brought before this committee from raising objections through counsel.

I believe it was only as to testimony that the attorney may not give testimony for himself or through the witness or for the witness.

Mr. SCHERER. I do not interpret the rule that way, Counselor.

Mrs. CASTELLANOS. I wish to make an objection. I am not trained in law and all objections to questions I make have to be written out for me or recited to me by my counsel, so I request that my counsel be authorized to make objections to the questions for me and also to save the time of this committee.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Where were you born, Mrs. Castellanos?

Mrs. CASTELLANOS. May I ask for a ruling on this objection?

Mr. SCHERER. Madam, this committee has no right—this is not a court—to sustain or overrule an objection. It may be noted in the record, and then at such time as this proceeding may find its way into a proper court at a proper time, your counselor or you can make the objections in the court and the court will either overrule or sustain your objection.

Mrs. CASTELLANOS. I object to your refusal to grant me the privilege just requested, and assign it as error, because to permit counsel to make mere objections for me is not prohibited by rule 7 of the provisions, and further, the refusal constitutes a denial to me of effective assistance of counsel guaranteed by the sixth amendment and also of the procedure of due process of law guaranteed by the due processes clause and the fifth amendment of the United States Constitution.

Mr. SCHERER. I gave your counsel the opportunity to read any legal objections he wants to or desires to into the record.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Where were you born, please?

Mrs. CASTELLANOS. Before I answer that question, I desire to know whether there is a quorum of the committee present?

Mr. SCHERER. There is a quorum of the subcommittee present.

Mr. TAVENNER. Now, may I ask the question again. Not yet? All right.

Mrs. CASTELLANOS. How many of the committee are present at this hearing?

Mr. SCHERER. I have answered the question. Proceed, Mr. Tavenner.

Mr. TAVENNER. I ask the question again. Where were you born?

Mr. COLLINS. Just one moment.

(The witness conferred with her counsel.)

Mrs. CASTELLANOS. I object to this proceeding on the grounds that the rules of the House of Representatives are made the rules of this committee, and that rule 25-A requires that any committee must include a minority and a majority representation and confer on them the powers delegated to the committee itself.

Mr. SCHERER. This committee does contain members of majority and minority parties.

Mr. Willis, who is a member of the Democratic Party is a member of this subcommittee. He is not present at the hearing, but there is a quorum of the subcommittee present.

Now, let us go on, Mr. Tavenner.

Mr. TAVENNER. Are you ready to answer the question now?

Mrs. CASTELLANOS. I object to proceed with this hearing on the grounds that the acting subcommittee has not complied with rule 25-A of the House rules and does not include a majority and minority representative.

Mr. SCHERER. Madam, I just explained to you that it does contain that. I ask you to proceed to answer the question, where you were born.

Mrs. CASTELLANOS. I am referring to the committee members presently conducting the hearing.

Mr. TAVENNER. Now will you answer the question?

Mr. SCHERER. Proceed to the next question. She has had ample opportunity to answer the question, Mr. Tavenner.

Mr. TAVENNER. How long have you lived in California? I assume you live there now.

Mrs. CASTELLANOS. I have lived in California since the fall of 1934 with occasional vacations in other parts of the United States.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been previously, that is, your formal educational training.

Mrs. CASTELLANOS. You are referring, I presume, to my college education?

Mr. TAVENNER. Yes.

Mrs. CASTELLANOS. I entered the University of Michigan in Ann Arbor, Mich., in the fall of 1930. I left there in the spring of 1931 to attend the University of Strasbourg. I reentered the University of Michigan in the fall of 1931; remained there throughout that academic year.

In the fall of 1932 I entered the University of Munich under the sponsorship of the University of Delaware, American. During the academic year 1933 to 1934 I attended the University of Michigan where I obtained a bachelor of arts degree.

In academic year 1934 to 1935, I attended Stanford University where I obtained an M. A. degree. In 1938, I obtained a Ph. D. degree at Stanford University.

I have since done graduate work, of a lesser duration, at six institutions of higher learning, all of them recognized degree-granting colleges.

Mr. TAVENNER. Was your name Jane Robinson prior to marriage?

Mrs. CASTELLANOS. It was.

Mr. TAVENNER. R-o-b-i-n-s-o-n?

Mrs. CASTELLANOS. Yes; it was.

Mr. TAVENNER. We have testimony before the committee, Mrs. Castellanos, to the effect that there was a secretly organized group of the Communist Party in San Francisco composed of professional people. That group was broken down into a branch composed solely of lawyers from a certain Dayton University, the name of it being Haymarket group.

There was another group composed solely of doctors, nurses, and technicians. There was at one time a group within the Newspaper Guild which broke up and became members of a miscellaneous group of the Communist Party to which teachers, for the most part, belonged.

Were you at any time a member of such a group as the last that I mentioned, namely, the miscellaneous group of the Professional Section of the Communist Party in San Francisco?

Mrs. CASTELLANOS. Mr. Chairman, before I answer this question, I would like to ask the committee to supply me with the written copy of the written statement of the oral statement made at the beginning of this session by the chairman of the committee.

I was not able to hear all of that due to the acoustics in the room and I would like to have it available for consultation.

Mr. SCHERER. It has been available to counsel for 3 days.

Proceed with the question.

Mrs. CASTELLANOS. Has that statement been made in writing? I have never seen it.

Mr. SCHERER. Mr. Tavenner, I direct you to ask the next question.

Mr. TAVENNER. Will you answer the question, please?

Mrs. CASTELLANOS. I protest your failure to give me a written copy of the oral statement made at the beginning of these proceedings.

Mr. SCHERER. The witness has had sufficient time to answer the question.

Proceed with the next question.

Mr. COLLINS. Did your question relate to a particular time?

Mr. TAVENNER. No, it did not; whether or not she had knowledge of the existence of such a group.

To be a little more precise—you asked me to remind you what the question was—it was more to this effect: Whether or not she at any time knew of the existence of a Professional Section of the Communist Party in San Francisco.

Mrs. CASTELLANOS. On and subsequent to October 3, 1945, I have no such knowledge.

Mr. TAVENNER. May I ask you then whether you have been a member of the Communist Party since October 3, 1945?

Mrs. CASTELLANOS. I am not now and I have not been a member of the Communist Party since October 2, 1945.

Mr. TAVENNER. Were you a member of the teaching profession, and are you now?

Mrs. CASTELLANOS. I am, sir.

Mr. TAVENNER. Were you engaged in the teaching profession prior to October 3, 1945?

Mrs. CASTELLANOS. May I inquire as to the relevance of that question?

Mr. TAVENNER. Yes; the relevance of the question is, to determine what the activity of the Communist Party was, that is, the Communist Party acting within the professional groups of the Communist Party in this area.

It has been explained so often that I hardly see how anyone could help but understand it.

Mrs. CASTELLANOS. I have no such knowledge of activity of this kind since October 2, 1945.

Mr. TAVENNER. I am sorry, I did not hear you.

Mr. SCHERER. She said she had no knowledge of any such activity since 1945.

Mr. TAVENNER. My question related to prior to October 2, 1945, not since. You have already answered that.

Mrs. CASTELLANOS. I am sorry.

Mr. TAVENNER. Let me withdraw the question and put it this way: You have not been connected in any way with the Communist Party since October 3, 1945?

Mrs. CASTELLANOS. I have had no such connection since October 2, 1945.

Mr. TAVENNER. Were you a member of the Communist Party on October 1, 1945?

Mrs. CASTELLANOS. I object to the question and also to this hearing on each and all of the following grounds: Namely, one, the subpoena served on me, the committee's authorizing resolution, and also the subject of this investigation, as announced in the oral opening statement of the committee, do not define this authority and do not inform me of the nature or the extent and limitations of this hearing or of the matters to which I am to testify or inform me of the nature and cause of any accusation which has been brought against me or give me a reasonable period of time in which to answer such accusation or dispose of such questions, and would place me on trial and deprive me of the right of being confronted with witnesses against me, of the right of cross-examination, and of the presumption of innocence and the rights of effective assistance of counsel for my defense, each and all of which said things deprive me of the due process of the law of the Constitution and of the rights guaranteed me by the sixth amendment.

2. It is an attempt to inquire into matters which infringe on the rights retained by the people of the United States guaranteed by the 9th amendment of the Constitution and also usurps the powers reserved to the States or the people under the provisions of the 10th amendment of the Constitution.

3. It is an unlawful——

Mr. SCHERER. May I ask how many more pages there are?

Mrs. CASTELLANOS. There is approximately one-third of a page.

3. It is an unlawful attempt to compel me to divulge information concerning political beliefs, opinions, and activities and associations, and those of other persons, and to cause injurious publicity to me and them and to expose me and them to public contempt, hatred, and ridicule in violation of the power lodged in Congress by article I of the Constitution.

4. It constitutes an abridgment of the freedom of speech and expression and of the freedom of expression and of the peaceable assembly and association guaranteed to me by the first amendment of the Constitution; and

5. It is unlawful to attempt to compel me to be a witness against myself in violation of the provisions of the fifth amendment.

Mr. TAVENNER. Will you tell us please what occurred on either October 1 or October 2, 1945, which has resulted in your testifying now, that you have not been a member of the Communist Party since that specific date of October 2?

Mrs. CASTELLANOS. I object to the question and also this hearing on each and all of the grounds previously stated as grounds for my objections to questions of this hearing.

Mr. TAVENNER. Was not the Levering Act passed in 1950? Was that about the date of it?

Mrs. CASTELLANOS. I believe it was passed in 1950.

Mr. TAVENNER. Did that act contain a provision which required one signing it to state that he had not been a member of the Communist Party for a period of 5 years prior to the adoption of that act?

Mrs. CASTELLANOS. I believe it did.

Mr. TAVENNER. Was that 5-year period October 2, 1945?

Mr. COLLINS. I think that the date was October 3.

Mr. TAVENNER. It appears that I missed it 1 day. No; I beg your pardon. You have stated that you have not been a member since October 2. The effective date of that 5-year period contained in the Levering Act went back to and included October 3, so that puts you exactly at the time that you would not be required under the Levering Act to state that you had been a member of the Communist Party.

Mrs. CASTELLANOS. What question is it that you are asking me?

Mr. TAVENNER. The Levering Act which was adopted in 1950 had a provision in it that if a person had been a member of the Communist Party at any time since October 3, 1945, that fact would have to be divulged.

Mrs. CASTELLANOS. That is a statement on your part?

Mr. TAVENNER. Yes; my question is, that being true, did that have anything to do with your fixing the date of the time when you were no longer a member of the Communist Party?

Mrs. CASTELLANOS. Mr. Chairman, Mr. Counsel, that is a date which is difficult to fix precisely, but the date which I have mentioned is one of which I am certain.

Mr. TAVENNER. That is that you were no longer a member of the Communist Party since October 2, 1945?

Mrs. CASTELLANOS. Mr. Counsel, I have not stated that I was a member of the Communist Party at any time prior to October 2, 1945.

Mr. TAVENNER. I understand, but you have not been a member since October 2, and that is all I said.

I have no further questions, Mr. Chairman.

Mr. SCHERER. The witness is excused.

(The witness was excused.)

Mr. SCHERER. The committee will take approximately a 5-minute recess.

(Brief recess.)

Mr. SCHERER. The committee will be in session.

Before we proceed with the next witness, I have received the following telegram:

Please clarify for the record that witness Brisker was associated with American Veterans Committee and not AMVETS. AMVETS, as you know, is chartered by Congress and has no connection whatsoever with the American Veterans Committee and rarely shares the views of the American Veterans Committee. (Signed) Arthur Greenstreet, Commander, AMVETS, Veterans Memorial Building, Oakland, Calif.

I think the record is clear on the matter that developed with reference to the misunderstanding with AMVETS and the American Veterans Committee, but I think the telegram should be made a part of the record at this point so there will be no question.

Mr. TAVENNER. Bea Melner, come forward, please.

It may be Beatrice.

Mr. SCHERER. Will you kindly raise your right hand, please. Do you solemnly swear the testimony you are about to give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Miss MELNER. I do.

**TESTIMONY OF REBECCA L. (BEA) MELNER, ACCOMPANIED BY
COUNSEL, WAYNE COLLINS**

Mr. TAVENNER. It is noted that the witness is accompanied by the same counsel who accompanied the former witness.

Witness, your name is Beatrice Melner; you were born in New York; your occupation is a schoolteacher; is that not correct?

Miss MELNER. No; it is not correct.

Mr. TAVENNER. What part of it is wrong.

I see I failed to save any time. I will break it down and take the general routine. What is your name, please?

Miss MELNER. My name is Rebecca L. Melner.

Mr. TAVENNER. Rebecca L.?

Miss MELNER. Yes.

Mr. TAVENNER. Are you known at times as Bea?

Miss MELNER. At times I am known as Bea.

Mr. TAVENNER. Other than that was my statement correct, or to save time, were you born in New York?

Miss MELNER. I was born in Manhattan, the Borough of Manhattan, in the city of New York.

Mr. TAVENNER. You are now a schoolteacher?

Miss MELNER. Yes; I am.

Mr. TAVENNER. How long have you lived in California?

Miss MELNER. I have lived in California since 1920.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. COLLINS. We are going to raise the same jurisdictional questions that we raised as in the case of the last witness.

Mr. TAVENNER. Very well. Let the record show that the same jurisdictional objections as were made by the former witness are made here. That is the witness who preceded this witness.

Mr. COLLINS. Are the rulings the same?

Mr. SCHERER. Yes.

Miss MELNER. I received a general elementary credential from San Francisco State Teachers College in 1928. In 1951 I received a bachelor of arts degree from the same college. In between that time, I studied at the University of Nevada, at the University of California.

I took graduate work at San Francisco State Teachers College, and since 1951 I have taken further postgraduate work at San Francisco State Teachers College.

Mr. TAVENNER. Will you tell the committee, please, where you have lived since 1945?

Miss MELNER. I have lived in San Francisco, Calif., since 1945.

Mr. TAVENNER. During that period of time, you attended certain educational institutions and received certain degrees since that time. Was there a period of time that you taught, in between your attendance at educational institutions?

Were there periods of time since you have been in San Francisco that you taught between your sessions at school?

Miss MELNER. I have taught in San Francisco since 1926.

Mr. TAVENNER. And intermittently since that time you have taken this scholastic training that you mentioned?

Miss MELNER. I did this scholastic work during summer and through evening courses.

Mr. TAVENNER. During the period that you have been a teacher in San Francisco, and I will limit that to the period since 1945, have you been aware of the existence of an organized group of the Communist Party in San Francisco composed of professional people, among them being members of the teaching profession?

Mr. COLLINS. Have you fixed that third date?

Mr. TAVENNER. I said since the first of 1945.

Mr. COLLINS. I am not sure she understands your question. Can we have it re-read?

Mr. TAVENNER. Have you known of the existence at any time of an organized group of the Communist Party in San Francisco composed of professional people, including teachers?

Mr. COLLINS. Since October 3?

Mr. TAVENNER. No; I said at any time, in order to eliminate confusion about dates.

Miss MELNER. Since October 3, 1945, to date, I have no such knowledge.

Mr. TAVENNER. This is a very strange thing. The previous witness said she had no knowledge since October 2. You have no knowledge since October 3. Can you explain that to me?

Miss MELNER. On and since October 3, 1945.

Mr. TAVENNER. Then, your testimony is that, actually, since October 2, you have had no knowledge of Communist Party activities?

Miss MELNER. That is so.

Mr. TAVENNER. Is October 3, which is the first date on which you said you had no knowledge, the date that the Levering Act provision applied to the 5 years which you could not have been a member of the Communist Party?

Miss MELNER. October 3, 1945, is the date that I have fixed in my mind because of the Levering Act.

Mr. TAVENNER. Because of the Levering Act? How did you know on October 3, 1945, that there was going to be a Levering Act in 1950 which would have a 5-year provision in it which would happen to begin on October 3?

Miss MELNER. I did not know.

Mr. TAVENNER. You have fixed the date October 3 because of the Levering Act. Suppose there had not been any Levering Act. What would the date have been then?

Miss MELNER. I can fix the date precisely of October 3, 1945, because within 5 years after that date I signed the Levering Act oath.

Mr. TAVENNER. If the Levering Act would have happened to have said 10 years, would that have moved your membership back 10 years instead of 5?

Miss MELNER. I believe the question is argumentative and speculative.

Mr. TAVENNER. Do you refuse to answer?

Miss MELNER. Will you re-read that question, please?

(The pending question was read by the reporter.)

Miss MELNER. I did not state I was a member.

Mr. TAVENNER. Would it have moved back your knowledge——

Mr. SCHERER. I direct you to answer the question.

Miss MELNER. May I have that question again, please?

Mr. SCHERER. Proceed to the next question, Mr. Tavenner.

Mr. TAVENNER. Were you a member of the Communist Party prior to October 3, 1945?

Miss MELNER. Just a moment please. I wish to consult with my counsel.

(The witness conferred with her counsel.)

I wish to state that I am not a member of the Communist Party and I further state that I was not a member on October 3, 1945, and have not been a member at any time since that date.

Mr. TAVENNER. Now, will you answer my question, please?

Mr. SCHERER. Yes, Madam, I direct that you answer the question.

Miss MELNER. Just a moment, please, I am getting advice from my counsel.

(The witness conferred with her counsel.)

Miss MELNER. I object to the question and also to this hearing on each and all of the following grounds, namely, one, the subpoena served on me, the committee authorizing resolution, and also the subject of this investigation as announced in the oral opening statement to the committee do not define its authority and do not inform me of the nature, purpose, extent, and limitations of these hearings or of the matters——

Mr. SCHERER. Just a minute. Is that the same paper that was read by the preceding witness?

Miss MELNER. It is a little different.

Mr. TAVENNER. What difference?

Miss MELNER. You have interrupted me.

Mr. TAVENNER. Yes; and purposely. What is the difference?

Miss MELNER. I do not know the exact difference.

Mr. TAVENNER. Then you do not know whether there is any difference; do you?

Miss MELNER. Yes; there are some differences. I cannot tell you exactly what they are.

Mr. TAVENNER. Have you read the statement before?

Miss MELNER. I will not start again. I will start right here.

Do not define its authority and do not inform me of the purpose, nature, and extent of this hearing, or the matters I am to testify to, or inform me of the nature or any accusation that has been brought against me or give me a reasonable period of time in which to answer any such accusation, or disclose the pertinency of the question, but places me on trial and deprives me of the right of being confronted with witnesses against me, of the right of cross-examination, and

presumption of innocence and to the right of effective assistance of counsel for my defense, each and all of which said things deprive me of the due process of law guaranteed to me by the fifth amendment of the Constitution and of the rights guaranteed to me by the sixth amendment of the Constitution.

Two. It is an attempt to inquire into private affairs unrelated to a valid legislative purpose and exceeds the power lodged in Congress by article I of the Constitution and constitutes an unlawful exercise of the exclusive power lodged in the judiciary by article III of the Constitution and of law-enforcement power lodged exclusively in the Executive by article II of the Constitution and it also denies and disparages rights retained by the people as guaranteed by the 9th amendment of the Constitution and, also, usurps the power reserved to the States or to the people by the 10th amendment of the Constitution.

Three: It is an unlawful attempt to compel me to divulge knowledge concerning my past political beliefs, opinions, activities, and associations, and those of other persons and to cause injurious publicity to me and to them and to expose me and them to public contempt, hatred, and ridicule in violation of the power lodged in Congress by article I of the Constitution.

Four: It constitutes an abridgment of the freedom of speech and expression, and of the freedom of the press and of peaceable assembly and association guaranteed to me by the first amendment of the Constitution; and

Five: It is unlawful to attempt to compel me to be a witness against myself in violation of the provisions of the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. The witness is excused.

Mr. TAVENNER. I would like to call at this time Mr. Benjamin Dreyfus.

Mr. PURCELL. Mr. Chairman, just a short time ago, I appeared as a witness for Mr. Charles Garry and I made a motion to quash the subpoenaing of that case. In the interest of time, may the record show that the same motion is made to quash the subpoena of service of summons upon Mr. Benjamin Dreyfus and that the subpoena in this case likewise bears the date of May 9, 1957, and that the motion is made upon all of the grounds that were set forth by me at the time I was representing Garry.

Mr. SCHERER. The record may so indicate.

Mr. PURCELL. I assume you ruled you will not quash it?

Mr. SCHERER. No. That is a matter for court.

You do solemnly swear that the testimony you shall give at this hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DREYFUS. I do.

TESTIMONY OF BENJAMIN DREYFUS, ACCOMPANIED BY COUNSEL, JAMES C. PURCELL

Mr. TAVENNER. Will you state your name, please?

Mr. DREYFUS. Benjamin Dreyfus.

Mr. TAVENNER. It is noted that the witness is accompanied by counsel. Please identify yourself for the record.

Mr. PURCELL. My name is James C. Purcell and I am a member of the State of California bar and Supreme Court of the United States and admitted to practice in all of the States of this court. I maintain offices at 990 Geary Street in the city of San Francisco.

Mr. TAVENNER. Where were you born, Mr. Dreyfus?

Mr. DREYFUS. Right here in San Francisco.

Mr. TAVENNER. Do you now reside in San Francisco?

Mr. DREYFUS. Across the bay, sir.

Mr. TAVENNER. You are an attorney by profession?

Mr. DREYFUS. I have the same qualifications as my attorney does; yes, sir. I am admitted to all of the same courts that he is, including the Supreme Court of the United States, and my office is at 703 Market Street.

Mr. TAVENNER. Will you advise the committee, briefly, what your formal education has been in preparation for the practice of your profession?

Mr. DREYFUS. Yes, sir. I attended grammar school and high school in the Peninsula of San Mateo. I went to Stanford University and to law school.

Mr. TAVENNER. Mr. Dreyfus, I have observed from an issue of the Daily People's World of April 26, 1950, that there was some litigation in the State of California over a sum of \$2 million which was tied up in San Francisco banks.

One of the parties in the litigation was the Bank of China and the China National Aviation Corp.

The article indicates that you represented those corporations. Am I correct in that?

Mr. DREYFUS. Could I look at this article?

Mr. TAVENNER. Yes.

Mr. DREYFUS. Mr. Tavenner, with all due respect, I do not like to be required under compulsory processes here to discuss matters which appear in the public press, but I would like to go a little further from the time I first received the subpoena of the committee.

Following as it did so shortly after the criticism of the board of governors of the State bar of California, I was seriously apprehensive that I was being called here because I was a lawyer.

Mr. TAVENNER. Let me straighten you out on this. The institution of this investigation began on the 14th day of June 1956. It was originally planned to conduct this hearing in the fall of 1956, but because of other commitments that the committee had it could not reach it.

This hearing was set to be held in April before the bar that you are speaking of criticized this committee, so there is no connection whatever.

I have said that publicly when queried by the press. There is no connection whatever between this investigation or the subpoenaing of any witness here and what may have transpired at an entirely different hearing.

Mr. DREYFUS. I appreciate your statement, Mr. Tavenner. I am required to reach my own conclusions in that regard, however, and particularly since the first question to which you direct my attention involves my clients, and it seems to me that to ask me about clients that I had represented, seriously infringes upon me at the bar.

Mr. TAVENNER. I have asked you nothing involving a confidential relationship between attorney and client, nothing whatever, and I do not propose to.

Here is a newspaper article saying you represented two Chinese corporations, and I want to ask you a few questions about it, if you were employed or are in a position to know about what I am going to ask you.

Mr. DREYFUS. That is exactly what I said. I realize it is late in the day.

Mr. TAVENNER. Do not let that bother you.

Mr. DREYFUS. I have been sitting here all day and I may be a little bit tired, but I seriously believe that the question is directed to me as an attorney here, called under a compulsory process of the committee, and I am required to be present and to disclose matters of my clients, necessarily injurious to me as a member of the bar.

Mr. TAVENNER. Let me disabuse you of what I see you have in mind and go directly to the matters I want to inquire about.

Both of those corporations appear to be corporations organized under the laws of the United States. I am not asking you to divulge any confidential information, but the article shows that notwithstanding that, the present Chinese Government owns 75 or 80 percent of the stock in the Aviation Corp. It owes a very substantial percent to the Chinese Government of the capital stock of the other corporation.

Mr. SCHERER. Pardon me, Mr. Tavenner. You are talking about the Chinese Communist Government as distinguished from the Chinese Nationalist Government on Formosa?

Mr. TAVENNER. That is right, the present Chinese People's Republic.

The Foreign Agents Registration Act, I am confident, has never been held applicable to a person representing a corporation or charter and organized under the laws of the United States.

I am trying, now, to avoid all of the preliminary questions which I would normally ask you, but you prefer not to be questioned about them.

Have you given consideration to the question of advisability of extending the provisions of the act in such a way as to limit to some extent or, rather, to extend to some extent the present provisions of the act so that it would apply to corporations which had been set up by a foreign power under circumstances such as exist here by the Chinese People's Republic, where it owned the great majority of the stock?

Do you have any views on that?

Mr. DREYFUS. No, sir.

Mr. TAVENNER. Of course, a corporation is a unit in itself. If, instead of having formed this corporation, it had been the Chinese Government which employed you to attempt to recover the \$2 million, would you not have been required to register under the Foreign Agents Registration Act?

Mr. DREYFUS. May I ask this, Mr. Tavenner: Am I under investigation here for some criminal offense or is this for some legislative purpose?

Mr. TAVENNER. Not at all. This committee has been struggling with the provisions of the Foreign Agents Registration Act, as to whether or not it should be tightened in certain respects.

We have spoken, to some extent, in this hearing already with regard to certain types of Communist Party literature that is coming into this country in violation of the provisions of that act.

I have said already that I consider that there is no violation of the act involved here. The committee may desire to make some legislative recommendations. It has been discussed on the subject that I have been discussing with you.

Mr. DREYFUS. Let me be sure I understand you—to legislations that would make legal representation by attorneys of the act, would be illegal?

Mr. TAVENNER. No; it would merely require registration under the Foreign Agents Registration Act as is presently required now.

Mr. DREYFUS. Let me see if I understand your question. I think I have forgotten it.

Mr. TAVENNER. My question was this: Inasmuch as a corporation is a unit in itself, and because of that apparently the Chinese Government, working through this corporation organized in the United States, would not be in any sense subject to provisions of the act or anybody representing that corporation—

Mr. SCHERER. Whereas it would be if it had not been acting through a corporation.

Mr. TAVENNER. That is what I am getting at.

I am not asking you to divulge any information that you obtained in connection with the representation that you had according to the paper, but are you in any position where you can offer any suggestion regarding that?

You are probably better acquainted with situations of that kind than members of the committee.

Mr. DREYFUS. I undoubtedly should be more familiar with the provisions of the Foreign Agents Registration Act than I am, but unfortunately I must—I hate to do it publicly—but plead some ignorance, and I am not an expert in that field.

Accordingly, I doubt that anything that I could suggest would be of value, sir, in that regard.

May I have a moment to consult with Mr. Purcell?

Mr. TAVENNER. Yes, sir.

(The witness conferred with his counsel.)

Mr. DREYFUS. May I add just one thing to my previous answer, Mr. Tavenner? I certainly would heartily oppose any legislation or amendments to such a bill that might require a lawyer to divulge confidential information received from his client, whoever his client may be. That is why I mentioned in the first instance that I was somewhat apprehensive of the nature of the questions which the committee was doing, what the board of governors of the State bar was doing, which I quite rightly criticized them for doing, interfering with the rights of lawyers.

Mr. TAVENNER. I made no such implication.

Mr. DREYFUS. I understood that and I am sure you can understand my apprehensions.

Mr. TAVENNER. Mr. Dreyfus, you have been active in the National Lawyers Guild in the sense of occupying executive positions over a long period of time; have you not?

Mr. DREYFUS. Well, now, Mr. Tavenner, I identify this question, too, since it relates to a bar association, as having the latent possibility of interfering with the independence of the bar, but I am sorry that you are going into it for that reason. I am sorry that the committee thinks it is proper.

I do not want to ask you again, Mr. Tavenner, to state the pertinency or the relevance as you have done before. I know that both constitutional lawyers and the Supreme Court opinions this Monday, with the hearings that commenced on Tuesday morning that we have all been grappling with new constitutional concepts, and I do not want to ask you to go through the whole thing again.

But as I read the Watkins case, trying to understand it thoroughly, it seems to me that a much more definite legislative purpose ought to be stated as a requirement to my answering such a question again under compulsory processes, and I would appreciate it if you will tell me what legislative purpose you have in mind in asking me that question.

Mr. TAVENNER. You were present when the statement was made a little while ago with regard to the purpose and pertinency of the same question I asked of another lawyer.

Mr. DREYFUS. I was here. I have been here all day.

Mr. SCHERER. Do you want Mr. Tavenner to explain to you the pertinency of the question? If you do, Mr. Tavenner will explain it to you.

You said something there about the hour getting late, and you did not want him to. I am not clear.

Mr. DREYFUS. Will you excuse me just one second, sir?

(The witness conferred with his counsel.)

Mr. DREYFUS. What I had in mind was this, Mr. Scherer, Mr. Tavenner, I did not want Mr. Tavenner to repeat what I did hear before and his explanation of the pertinency of questions related to the bar association. As a lawyer, I am afraid that I do not join Mr. Tavenner in his explanation of the sufficiency, but I wanted to take it one step further and, therefore, I could not ask him to do that, but beyond the pertinency provision, what is the legislative purpose? What legislation do you have in mind?

Mr. McINTOSH. Excuse me for interrupting.

I think the committee was satisfied with the pertinency and relevance to the legislative purpose and if you do not agree with it, there is really no use for anyone to belabor the point further.

We are satisfied on the adequacy of the explanation that has been given.

Mr. DREYFUS. The explanation of pertinency suffices to explain the legislative pertinency.

Mr. McINTOSH. You stated that you were in the room, and we have gone through this on similar questions together with Mr. Tavenner's recent remarks. We feel it is sufficient to comply with the requirements of the case. If we are not in agreement, let us make the disagreement clear, and proceed to an answer.

Mr. DREYFUS. I have no purpose whatever in belaboring the point, sir, or extending the matter. I had conceived the two questions to be different ones, Mr. McIntosh.

Pertinency is one thing; the legislative purpose is still another, and it was toward the latter——

Mr. SCHERER. So there will be no question, Mr. Tavenner, explain the legislative purpose and also the pertinency of the question.

Mr. TAVENNER. As I explained formerly, the subject that the committee has been undertaking to investigate is the activities of the professional cells of the Communist Party in San Francisco.

The extent, character, and objects of the Communist Party activities within that group, and, as I explained before, the legislative purpose for inquiring into those subjects is the task and duty that the committee has in the way it views the matter of considering whether or not there is additional legislative action that should be taken regarding the Communist Party, even if it goes to the extent of outlawing the Communist Party as such.

In other words, if the committee as a result of this and other investigations it is conducting, is of the opinion that the time has now arrived in light of all of the circumstances that more stringent legislation should be adopted, this committee wants to be able to advise Congress of the fact upon which it feels such action should be taken and to have the facts upon which it should make up its mind.

I have explained somewhat in detail, and it was also done by the chairman in his opening statement, that this committee has been pondering that question since 1950. This committee, although there was a difference of opinion among its members, did not feel like going to that ultimate extent in 1950.

A compromise view was adopted. Many legislative bills have been presented since that time on this subject that we are now considering. This committee has withheld any judgment. It has stated in its annual reports that it is not ready yet to come to any legislative conclusion as to just what precise legislation should be adopted, and whether or not, in the evaluation of the situation as it exists today, it is such a situation that the Communist Party should, by proper legislation, be outlawed as such, and then that has been explained.

I do not think I have added anything in principle which has been said. I think you are satisfied on the matter of pertinency. If you desire a repetition of that, I will.

Mr. DREYFUS. No, sir; I do not need any repetition.

Mr. TAVENNER. As to the question of pertinency, I have traced the importance of Communist Party work in many mass organizations and particularly in the Lawyers Guild from the time of its inception.

We want to know what it is here and we want to know the extent of its operations.

Mr. DREYFUS. I want to say this: I am certain that the committee would not proceed knowingly, in an unconstitutional way. I am sure that the committee would agree with me and I think if my estimate of the impact of the Watkins case is correct, it does not require me to answer such questions and they agree with me, nor can I really believe that the committee would recommend such unconstitutional legislation as to outlaw a political party, so I must respectfully disagree with you, Mr. Tavenner, as to the sufficiency of the legislative purposes as you have explained them to me.

Mr. SCHERER. I direct you to answer the question.

Mr. DREYFUS. Notwithstanding the objections that I have made, I am still directed to answer; is that correct?

Mr. SCHERER. That is correct.

Mr. DREYFUS. I do not understand it. Yes; it is true. Yes; I have been in the National Lawyers Guild for a long time and I am very proud of that bar association. Its activities particularly in the field of the independence of the bar, for which I feel very deeply concerned for a number of years, Mr. Tavenner, have kept me a member and I have been very glad to have been a member.

Mr. TAVENNER. You were secretary in 1941, treasurer in 1944, executive secretary in 1945, secretary in 1947, secretary in 1949, secretary in 1950.

You were a delegate in 1954, according to information that I have here. Do you think that is substantially correct?

Mr. DREYFUS. It sounds rather flattering, Mr. Tavenner. I have no independent recollection of the dates about which you speak.

Mr. TAVENNER. Are you a member now?

Mr. DREYFUS. Yes.

Mr. TAVENNER. During that period of time when you held those responsible offices, were you a member of the professional cell of the Communist Party here in San Francisco which has been generally referred to as the professional cell composed of lawyers, or at a time when the lawyers were members of a general professional cell?

Mr. DREYFUS. Here again, as indicated at the earlier questions, I cannot see any lawful, legitimate purpose. I appreciate that we are all having difficulty with all of the new constitutional questions which we are confronted with, and, frankly, you are trying very hard to meet the requirements of the Constitution as imposed upon this committee.

I do not think the fault has been yours that you have been unable to do so, but I am sure that you have been, at least to my satisfaction as a constitutional lawyer, and I am a fair one, and I am able to see the legislative, lawful, valid purpose of this committee's purposes and I must decline to answer the question.

Mr. SCHERER. Witness, I direct you to answer the question. We do not accept your declination to refuse to answer for the reasons given.

Mr. DREYFUS. I do not quite understand that.

Mr. McINTOSH. You are directed to answer the question.

Mr. DREYFUS. May I consult with counsel on that?

Mr. McINTOSH. Yes.

(The witness conferred with his counsel.)

Mr. DREYFUS. Mr. Chairman, I must interpose the objections that I have stated to the committee already, the fifth amendment to the Constitution, the first amendment to the Constitution, the first amendment, which I am so delighted to see has new dignity as a result of the Supreme Court's recent decision in the Watkins case.

Mr. SCHERER. I accept your declination.

Mr. DREYFUS. That is very gracious of you.

Mr. SCHERER. Do you have any further questions?

Mr. TAVENNER. Yes, sir; I do.

Will you tell the committee please, if you know, what the size of the membership is now in the Haymarket group of the Communist Party which we understand is a name which has been given to an

organized group of professionals composed of members of the legal profession?

Mr. DREYFUS. Excuse me, sir.

(The witness conferred with his counsel.)

Mr. DREYFUS. Mr. Tavenner, I identified that question as substantially similar to the next previous question. I, therefore, interpose as reasons for my reason for declining to answer, I believe that is the form that the chairman recommended to previous witnesses; I interpose all of the objections that I have made to the next previous question, and I am afraid I must add this, sir, if you persist in asking questions of that nature, substantially in the same period, that I will be forced to conclude that your purpose in doing so cannot be a legislative one, but must be one criticized by the Supreme Court in the Watkins case, such method of bringing ridicule.

Mr. TAVENNER. On the contrary, if I asked you only the question of whether you had been a member of the Communist Party, you would say that is all I wanted to know when actually I am here trying to obtain facts regarding the operations of that group; so, if I ask them one way, you criticize us, if I ask the other way we are criticized, too; so let me pose another question.

Will you tell the committee, please, in what type of activities that group of the Communist Party is now engaged?

Mr. DREYFUS. That is exactly the same question in a different form.

Mr. TAVENNER. No; there is a great deal of difference.

Mr. SCHERER. Would you answer the question or decline to answer it?

Mr. DREYFUS. I intended to decline to answer the question identifying it as substantially the same question upon the same grounds.

Mr. SCHERER. Proceed to the next question.

Mr. TAVENNER. In what mass organizations are the members of that group working now?

Mr. DREYFUS. As I said a moment ago, persistence by you in asking questions of this character in this area of this nature force me to the conclusion that your only purpose in asking them is to do exactly what the Supreme Court said this committee had been up to before and should not do, had no constitutional power to do, to bring some form of ridicule or shame upon me and I deny that you have any right to ask me those questions.

Mr. TAVENNER. On the contrary if I did not ask, you would say the same thing, that all I wanted to do was to embarrass you.

Mr. DREYFUS. If you are saying that for some time I had little or no sympathy with this committee, I am afraid you would be right.

Mr. TAVENNER. Would you answer the question?

Mr. DREYFUS. I declined to answer the question as I attempted to do, on the several grounds that I previously indicated.

Mr. TAVENNER. Are you a member of the Communist Party?

Mr. DREYFUS. I identify that as the same question.

Mr. SCHERER. I direct you to answer.

Mr. DREYFUS. Yes; my position is the same. I decline to answer upon the same grounds as I previously stated.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. The witness is excused.

(The witness was excused.)

Mr. TAVENNER. Mr. Chairman, it is now 10 minutes of 6. It is quite apparent that we will not be able to complete the work that the committee had planned to do. We have some witnesses—not very many—but we have some witnesses who have been subpoenaed, but who have not been called.

The new constitutional problems that have been mentioned here by nearly every witness for 4 days, resulting in the reading of large portions of the decision into the record, the necessity on my part, as a result of raising questions as to the pertinency of a particular question which is quite apparent, I think, in most instances on their face, has necessitated my repeating time and time again, as I am required to do under the Watkins case, the subject that the witnesses then are being inquired about and the pertinency of the question, along with the connected reasoning of the committee as to how that question is related to the subject.

The result of it is that it has prolonged this hearing, I am certain, many, many hours beyond which anyone could have contemplated. Repetition of that time and time again has prevented us from completing this work.

I think there is nothing for the committee to do but decide sometime later when it will hear the other witnesses.

Mr. SCHERER. What you have said is true. The committee concurs in that recommendation.

The hearing is adjourned.

(Whereupon, at 5:50 p. m., Friday, June 21, 1957, the hearing in the above-entitled matter was adjourned, subject to the call of the Chair.)

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